

Tri-Valley CAREs

Communities Against a Radioactive Environment

4049 First Street, Suite 139 A, Livermore, CA 94551 • (925) 443-7148 • (925) 255-3589 • www.trivalleycares.org



November 1, 2018

Dear friends,

As I write this, I am deeply conscious of the pending election and well aware you will know its outcome by the time you read my note! I can safely make one prediction, though.

No matter the vote count - and no matter how hopeful I am today for candidates and initiatives that promote peace, justice and the environment – **Tri-Valley CAREs’ work to hold the government accountable will be as valuable after November 6 as it is now.**

Accountability is the hard work of genuine democracy. Without it, our political gains can be ephemeral and nuclear and other dangers will increase. Here is a ground truth: when we work together - and rise together to speak truth to power – we expand our capacity to hold the government accountable. It is to *this* endeavor that I invite you to contribute now.

Working collaboratively, Tri-Valley CAREs has increased government transparency and accountability for thirty-five years. You *know* that we have consistently held their feet to the fire – revealing accidents at Livermore Lab, challenging proposals to detonate “dirty bombs” in the open air near Tracy, exposing the falsehoods behind the rhetoric of nuclear “modernization,” and, most recently, putting the government on notice that its plan to quadruple plutonium bomb core production violates our country’s most basic environmental law.

With your generous support today, **we will redouble our valuable programs and achieve new victories** in the coming months and years. Remember, too, your contribution to Tri-Valley CAREs is tax-deductible.

I want to say “**thank you**” for all you do to create positive change toward the vision we both share of a more peaceful, just and nuclear weapons-free world. Your participation in Tri-Valley CAREs means more than I can convey in a simple letter.

On behalf of myself, our staff attorney, Scott, and all of our board members, I hope you can attend the holiday party so that we can celebrate together our progress to date and the work to come. (*Your invitation is enclosed.*)

In peace,

Marylia Kelley
Executive Director

Tri-Valley CAREs
4049 First St., # 139A
Livermore, CA 94551

YES! Here is my tax-deductible donation of

\$100 \$500 \$1000 \$50 \$ 25 Other

Name _____

Phone _____

Address _____

Email _____

State _____ Zip _____

City _____



HOLDING THE GOVERNMENT ACCOUNTABLE

Happening as we go to press...

Watchdogs to NNSA: Plutonium Plans Violate the Law

Three prominent nuclear watchdog groups put the government on notice October 31st that its plan to quadruple the production of plutonium pits runs afoul of the nation's principal environmental law. A plutonium pit is the approximately softball-sized nuclear core or "primary" that detonates all present-day U.S. hydrogen bombs and warheads.

Tri-Valley CAREs, Nuclear Watch New Mexico and Savannah River Site Watch sent a letter of demand stating that the National Nuclear Security Administration (NNSA) "explicitly plans to expand plutonium pit production but has made no visible effort to begin the legally required National Environmental Policy Act (NEPA) process for a major federal action as defined at 40 CFR 1508.18."

Our letter specifies, "...if NNSA continues to move forward with new pit production capacity at the Los Alamos National Laboratory and the Savannah River Site, it must begin preparation of a Programmatic Environmental Impact Statement (PEIS), as mandated by NEPA, without delay."

The letter further outlines the public review process that must be undertaken pursuant to NEPA, which includes public hearings and comment periods. The letter requests a response from NNSA within 30 days.

During her confirmation hearing last year, NNSA Administrator Lisa Gordon-Hagerty testified that expanded plutonium pit production was her number one priority.

On May 10, 2018, Gordon-Hagerty announced, as the head of the agency, that NNSA would produce at least 30 pits per year at the Los Alamos National Laboratory (LANL) in New Mexico and at least 50

pits per year at the Savannah River Site (SRS) in South Carolina by 2030.

U.S. industrial-scale bomb core production ended in 1989 in the closing days of the Cold War when the FBI raided the Rocky Flats Plant near Denver while investigating environmental crimes. In 1996 the government formally relocated the pit production mission to LANL after completing a Programmatic Environmental Impact Statement that specifically capped production at 20 pits per year.

Eighty is a significantly bigger number than 20, and the NNSA plan for a four-fold increase in nuclear bomb cores involves unexamined health, safety and environmental risks as well as financial costs. Moreover, plutonium pit manufacture would be a completely new mission for the Savannah River Site, as the groups' letter states.

We told NNSA that the law clearly requires that major federal actions be subject to public environmental review – and we noted that NNSA is required to undertake its analysis under NEPA early in its decision-making processes.

According to the law, NNSA may not take actions that will "limit the choice of reasonable alternatives" or "prejudice the ultimate decision on the program" until it issues a formal Record of Decision as the result of a NEPA process.

Our letter further asserts that the proper form for NEPA review in this instance is a Programmatic Environmental Impact Statement (PEIS). We further informed NNSA that, following the PEIS process, the agency must also undertake site-specific reviews.

(turn over)

Each stage, we said, would necessarily involve public hearings and comment periods.

Our letter charges NNSA with beginning to take actions to expand production far beyond the legally codified rate of 20 pits per year at LANL. Put simply, by failing to conduct a “fresh” PEIS, the NNSA is violating the law.



Marylia Kelley, Tri-Valley CAREs’ Executive Director, challenged the underlying rationale for expanded pit production. She told reporters: “There is no technical requirement for industrial scale plutonium pit production in order to maintain the safety and reliability of existing U.S. nuclear weapons. The current limit of 20 pits per year is more than sufficient for that task. Instead, NNSA’s plan to expand production four-fold is driven by Livermore Lab’s desire to develop a novel weapon, called the Interoperable Warhead-1, or IW-1. “

Kelley continued, “This new-design nuke was originally envisioned as a first-ever warhead that would be interchangeable for land-based and

submarine-based missiles. However, the U.S. Navy has refused to support it. The IW-1 is, in a word, unnecessary, and it should be canceled. Absent a genuine technical driver, pit production should not exceed the current cap of 20 per year.”

Jay Coghlan, Nuclear Watch NM, Executive Director, added: “There are at least 15,000 plutonium pits already stored at the Pantex Plant near Amarillo, TX. Independent experts have found that pits last at least a century. Future production will not manufacture exact replicas of existing, previously tested pits. This raises serious issues of future nuclear weapons reliability since new pits can’t be full-scale tested, or alternatively could increase pressure to test, which would have severe international proliferation consequences.”

NNSA intends to repurpose its partially completed, problem-plagued Mixed Oxide (MOX) Fuel Fabrication Facility at SRS for pit production.

Tom Clements, the Executive Director at SRS Watch, therefore, told the media: “Out of a misguided rush to build a new pit plant, NNSA stated that the way is now clear for starting pit production at SRS, but they are in error. There is no current legal basis for repurposing the MOX Fuel Fabrication Facility for a plutonium pit production mission, so that work cannot now proceed. NNSA must not undertake activities at the MOX plant toward conversion to production absent the required Programmatic Environmental Impact Statement and site-specific NEPA analysis. NNSA should be aware that rushing to now convert the MOX plant to pit production can only cause legal headaches.”

The ball is now firmly in NNSA’s court. How will the government respond to our letter? ***Stay tuned!***

Additional resources for our readers

The groups’ October 31, 2018 blog, press release and letter to NNSA Administrator Lisa Gordon-Hagerty are available on our website at <http://www.trivalleycares.org/new/PlutoniumPlansViolatetheLaw.html>.

A memo from the Secretary of the Navy, obtained by Tri-Valley CAREs and Nuclear Watch NM, which demonstrates the Navy’s lack of support for the Interoperable Warhead, is available on our website at http://www.trivalleycares.org/new/W78_88LEP_Navy_Memo_9-27-12.pdf

Tri-Valley CAREs’ analysis of the Trump Administration’s Nuclear Posture Review, which promotes industrial-scale plutonium pit production and the IW-1 (called the W78 “warhead replacement”), is available on our website at http://www.trivalleycares.org/new/Trumps_New_Warheads.html