



Selected Accomplishments

Veteran New Mexican anti-nuclear weapons activists founded **Nuclear Watch New Mexico** in December 1999. Since then we have engaged in many successful efforts to address nuclear weapons issues, across the spectrum of disarmament, nonproliferation, open government and environmental concerns.

The Successful Fight Against Expanded Plutonium Pit Production

Successful citizen activism against repeated government attempts to expand the production of plutonium pit cores is an unsung story. Plutonium pit production has always been the choke point of resumed U.S. nuclear weapons production. Nuclear Watch NM has been front and center in beating back four successive attempts by the government to expand production, starting from a proposed rate of 450 pits per year a decade ago, to the situation today when no pits are scheduled for production. Our efforts also included defeating the Chemistry and Metallurgy Research Replacement Project-Nuclear Facility, a proposed \$6 billion plutonium facility at the Los Alamos National Laboratory (LANL). All this did not happen by accident, but is instead the result of sustained citizen activism by Nuclear Watch NM and others.

This history is a critical part of the march toward a future world free of nuclear weapons. We can also draw encouragement from it that we will continue to succeed in fighting against future efforts by the government to expand plutonium pit production.

Nuclear Watch NM has compiled an eight-page history highlighting our efforts at <http://nukewatch.org/facts/nwd/Pit-Production-History.pdf>

We gratefully dedicate it to Leroy Moore, longtime activist at the Rocky Mountain Peace and Justice Center, and J. Carson Mark, retired director of the Los Alamos Lab's Theoretical Division and ardent arms control advocate.

Working for Comprehensive Cleanup at LANL

LANL plans to "cap and cover" Area G, its largest waste dump, leaving up to one million cubic meters of radioactive and toxic wastes and backfill permanently buried in unlined pits and shafts. This will create a *de facto* nuclear waste dump above our precious groundwater and the Rio Grande, when, for example, tritium and solvent plumes have already penetrated 250 to 300 feet below ground surface (a third of the way to groundwater). We expect a decision soon by the Martinez Administration's Environment Department that will approve LANL's plan.

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To fight against this we drafted a resolution that was adopted and passed in December 2013 by the Cities of Santa Fe and Taos. It opposes cap and cover and calls for offsite disposal of radioactive and toxic wastes. We hope to persuade other local governments to pass similar resolutions, building the political momentum to defeat cap and cover. It will also be crucial to engage the New Mexican congressional delegation in this issue. We are touting comprehensive cleanup of Area G as a true win-win for New Mexicans, one that will permanently protect the environment while creating hundreds of high-paying jobs.

National Policy/Legislation

Pit Lifetimes Legislation Undercuts Controversial Program to Create New Weapons

We worked closely with Senator Jeff Bingaman (D.-NM) and his staff to successfully introduce an amendment to the fiscal year 2005 Defense Authorization Act. This mandated independent expert review of the Department of Energy's "pit lifetime studies" then underway at their nuclear weapons arm, the National Nuclear Security Administration (NNSA). We did not trust NNSA's objectivity. The agency was claiming that pits, the crucial atomic "triggers" for modern thermonuclear weapons, last only 45 to 60 years and was increasingly pointing to potential aging effects to justify proposed new weapons programs.

We became increasingly concerned as the due date for NNSA's "Pit Lifetime Study" began to slip. We had also heard that NNSA was not preparing an unclassified summary as required by Senator Bingaman's legislation, fueling our concern that the agency was attempting to bury the study. Via inside contacts we were able to implement some measures that helped ensure the release of the study and its unclassified summary as well.

Finally, in November 2006, a panel of eminent independent nuclear weapons experts (known as the "JASONS") concluded that plutonium pits have reliable lifetimes of a century or more. These findings, which we worked to publicize nationally and especially within the halls of Congress, truly disrupted NNSA's plans both for new-design nuclear weapons, its so-called Reliable Replacement Warheads (RRW), and "Complex 2030," NNSA's hoped-for future nuclear weapons complex. The two issues are deeply intertwined, as NNSA claimed that RRW was the "enabler" for the future complex, which in turn was to produce at least 125 pits per year for RRW. The need for both was mostly premised on shorter plutonium pit lifetimes, which we played a direct role in refuting. Subsequently, Congress rejected all funding for the Reliable Replacement Warheads.

With literally 100's of billions of dollars and future nuclear weapons policies potentially riding on the outcome, we regard the pivotal "pit lifetime" legislation and the resulting conclusion that pits last a century or more our single most significant and far reaching accomplishment to date.

Using the pit life study as precedence, the FY 2014 Defense Authorization Act has required a similar study for nuclear weapons "secondaries", the components that put the "H" in H-bomb. Ever since the pit life study undermined NNSA's claimed need for new-design nuclear weapons and/or radical "Life Extension Programs," the agency has seized upon hinted-at aging problems in secondaries as rationale for its exorbitantly expensive programs. We hope that a secondaries life study, which we have argued for ever since the pit life study was completed, will seriously undermine that argument as well.

In 2012 we exposed how the University of California and Bechtel, Inc., partners in running both the Los Alamos and Lawrence Livermore National Laboratories, were given performance waivers that granted them more money and one-year contract extensions that they were not merited. We were able to expose that only because of our successful litigation under the Freedom of Information Act that obtained NNSA's Performance Evaluation Reports that rate contractor performance. As a result, in 2013 the Senate Energy and Water Appropriations Subcommittee required that future waivers be reported to relevant congressional committees, which we believe will effectively bring an end to indiscriminate waivers.

Litigation

BioWeapons Lawsuit

In August 2003, with colleague and co-plaintiff Tri-Valley CAREs, we filed suit in the 9th federal circuit against the adequacy of cursory environmental assessments for bioweapons agents research facilities handling pathogens such as plague and anthrax at both the Los Alamos and Lawrence Livermore National Laboratories. In response, in January 2004 the NNSA withdrew its approval for the Los Alamos biolab, stating that it would prepare a more comprehensive environmental impact statement that has still not been released. In Summer 2006 we discovered from inside sources that LANL planned to begin unpublicized "interim operations" at the biolab, which a single letter to NNSA from our attorney brought to a stop. The LANL biolab has never begun operations.

However, NNSA did decide to proceed with its Livermore biolab. We co-plaintiffs appealed, and as a result a 9th circuit judicial panel ruled in 2006 that "Intentional Destructive Acts" (sabotage or terrorism) must be considered in environmental reviews of proposed DOE facilities. Subsequently, DOE felt compelled to incorporate that judicial decision into Department-wide guidance for all of its public review processes required by the National Environmental Policy Act (NEPA). That now-required analysis of the potential effects of terrorism and sabotage should prove a crucial long-term tool for activists across the country.

Kansas City Plant

In 2008 we partnered with the Natural Resources Defense Council, Tri-Valley CAREs and the Kansas City Chapter of Physicians for Social Responsibility in a lawsuit under the National Environmental Policy Act against a new Kansas City Plant, responsible for the manufacture and/or procurement of 85% of all nuclear weapons components. Our lawsuit was ultimately not successful, but it did delay the plant for nearly a year, and help to catalyze local citizen activism that reverberates to this day.

FOIA Lawsuits

In October 2007, following protracted litigation under the Freedom of Information Act (FOIA) to obtain "Ten-Year Comprehensive Site Plans" for various NNSA sites, a federal judge ruled that NNSA's pattern and practice of delay defies "both logic and the law." NNSA itself describes these Plans as the foundation for strategic planning of its "intended" nuclear weapons complex, and we forced it to provide them on the Internet. Directly related, we fought against NNSA's claimed use of a FOIA exemption that allows

“predecisional” materials to be withheld, which in the extreme could mean that all agency decisional materials could be withheld until they were specifically approved by the President or Congress. We beat NNSA on the use of that FOIA exemption as well.

In March 2012 we filed suit under FOIA to compel NNSA to release the Performance Evaluation Reports for its eight nuclear weapons sites. It did so a week later. These reports are the government’s scorecard for awarding tens of millions of dollars to nuclear weapons contractors, and were previously available to the public until 2009. However, since that time the NNSA withheld them in a general move toward diminishing contractor accountability. We sought to help reverse that wrong direction through our litigation. These Reports offer unique insight into the way that our nuclear weapons labs and production plants are run, and the profits awarded to the contracting corporations.

In October 2013 we threaten to file suit under FOIA for contracts between the Sandia Labs and former NM Rep. Heather Wilson, following which we quickly received the relevant documents. From there we were able to expose that Wilson, a protégé of the powerful former Senator Pete Domenici, had signed a contract with Sandia while she was still sitting in Congress. She began to be paid \$10,000 a month for consulting services that had no written work requirements, the day after she stepped down from office. [It turns out she also had a similar contract for \$10,000 a month with LANL.] These revelations prompted strong editorials in New Mexico for congressional reform, and we believe have also brought her political future in this state to an end.

Facilities, Permits and Environmental Impact Statements

Modern Pit Facility Stopped in its Tracks

Beginning in 2002 Nuclear Watch led in the fight against the NNSA’s proposed “Modern Pit Facility” (MPF), a super new bomb plant designed to produce up to 450 plutonium pits per year. First, we convinced the national Alliance for Nuclear Accountability (ANA) to take on the issue as a top priority, and through ANA’s presence in Washington, DC made the MPF issue visible in the nation’s capitol. Ultimately Congress rejected any funding for the MPF.

Pit Production Confined

In 2008 Congress also rejected any funding for NNSA’s subsequent proposal for a “Consolidated Plutonium Center” (CPC), a scaled down version of the Modern Pit Facility designed to produce 125 pits per year (by this time the “Pit Lifetime Study” played a strong role in sealing its doom). Defeating both the MPF and CPC fit into Nuclear Watch’s larger strategy of preventing the U.S. from resuming industrial-scale bomb production. Unfortunately, success in that strategy does have a negative boomerang effect on Los Alamos in that NNSA has been forced to rely upon LANL’s already existing plutonium pit production infrastructure instead of building a new super plant elsewhere. Nevertheless, we believe this is mostly to the good, because we also believe that pit production will always be heavily constrained at LANL because of a number of factors, including site topography, regional popular and political opposition, and even the Lab’s questionable level of competence. Moreover, we argue that few, if any, pits actually need to be produced even by the NNSA’s own definitions and terms, given Congressional rejection of the Reliable Replacement Warhead and the not-well-known fact that the Pantex Plant near Amarillo, TX, is sanctioned to “reuse” up to 350 existing pits per year for refurbished

nuclear weapons. The Plant itself boasts how far cheaper and less environmentally damaging pit reuse is in comparison to new pit production.

Postal Service Dissuaded from Investing in Nuclear Weapons Facility

In June 2006 we discovered through a Ten-Year Comprehensive Site Plan for the Los Alamos National Laboratory a scheme for “alternative financing” in which the US Postal Service was going to pay for the construction of a 400,000 square feet, nuclear weapons-related “Science Center” at the Lab. Within two days of our public disclosure the USPS headquarters in Washington DC formally backed out of what it called that “arrangement.” The fact that we had the Ten-Year Comprehensive Site Plan to begin with was due to successful FOIA litigation.

Teaming up with Idaho

In 2005 DOE released a draft environmental impact statement for consolidating activities involving plutonium-238 at the Idaho National Laboratory. The isotope Pu-238 is non-fissile (i.e., incapable of sustaining a nuclear chain reaction) and hence is not directly used in nuclear weapons (however, because of its steady heat as a byproduct of radioactive decay it is used in thermoelectric batteries for deep space and unspecified national security missions). One of the expressed aims of DOE’s proposed Pu-238 consolidation was to free up more floor space for nuclear weapons pit manufacturing operations with Pu-239 at LANL’s plutonium facility. Nuclear Watch researched and supplied crucial information to colleagues in Idaho (e.g., the Snake River Alliance) demonstrating that link to increased nuclear weapons production, plus the fact that LANL had Pu-238 recycling operations that would satisfy DOE’s claimed need for increased production anyway. After raucous public hearings in Idaho that focused on these key arguments and others, DOE has to date abandoned its consolidation proposal, thereby helping to keep plutonium pit production constrained at Los Alamos.

LANL Criticality Experiments Ended

In 2004 we became aware of a report by the independent Defense Nuclear Facilities Safety Board (DNFSB) that stated that fatal offsite radiological doses were possible in the event of accidents during “criticality experiments” at LANL’s Technical Area-18. We met with NM Gov. Bill Richardson, who ironically had ordered an end to those criticality experiments in 2000 while he was Secretary of the Energy Department. In response to letters received from him and Congressman Tom Udall (both of which we drafted) in short order NNSA stopped the experiments at TA-18 and transferred its related equipment to the Nevada Test Site.

Updating LANL’s Waste Permit

In August 2007 the New Mexico Environment Department (NMED) issued a new draft solid waste permit for LANL covering hazardous and mixed hazardous/radioactive wastes. The old permit had expired in 1998, but was “administratively extended” by NMED since. Nuclear Watch had been pressuring NMED since 2002 to release a new draft, and finally succeeded, albeit far too delayed. We then submitted extensive formal comment to NMED that strengthened the final permit, a crucial tool toward State-mandated cleanup at LANL.

We then became intimately involved in LANL Hazardous Waste Permit negotiations and hearings involving the Lab and NMED throughout 2009 and 2010. The Permit was finalized

in November 2010. NukeWatch focused its efforts on obtaining an electronic Information Repository and e-mail notifications of proposed permit changes, in which we succeeded.

The Chemistry and Metallurgy Research Replacement Project-Nuclear Facility

This proposed \$6 billion plutonium facility for direct support of expanded plutonium pit production was defeated because of 1) increasing federal budget constraints and 2) its lack of clear need. As detailed elsewhere, the latter was largely caused by the fact that after the facility was proposed the pit life study that we initiated found that pits last twice as long as previously claimed. However, defeating this facility was a 10 year process, with many convolutions, initial defeats, and ultimate victory. But we must not grow complacent, as smaller “modular” facilities are now being proposed as a substitute for the Walmart-size Nuclear Facility.

For far more detail of the CMRR-Nuclear Facility, please see our eight-page history of successful citizen activism against expanded plutonium pit production at <http://nukewatch.org/facts/nwd/Pit-Production-History.pdf>

Networking and Coalition-Building

Nuclear Watch helps others. We are an active member of the Alliance for Nuclear Accountability (ANA), and frequently serve as “team leaders” in meetings with Congress and the Administration during ANA’s annual “DC Days,” which brings a grassroots perspective on nuclear weapons issues to the nation’s capitol. In the past the Nuclear Watch Executive Director served on the ANA Board for eight years, six as President, and is now serving on it again.

He also served on the Advisory Board for the Monitoring and Technical Assistance Fund since its inception in 1998. That Fund resulted from litigation against DOE that he initiated in 1996, and the Fund dispensed over 5 million dollars to more than 40 citizen groups and Tribes so that they could conduct their own studies of DOE environmental management programs.

Nuclear Watch traveled frequently to promote citizen activism at an overlooked NNSA site, the Kansas City Plant, which produces and/or procures 85% of all nuclear weapons components. Our support resulted in PeaceWorks Kansas City adopting the Plant as its number one issue.

Nuclear Watch has been intimately involved in the Ploughshares Fund’s national budget campaign to cut nuclear weapons programs. In 2010 the Nuclear Watch Executive Director was one of three analysts chosen by the Ploughshares Fund to recommend priorities for the campaign. Subsequent work on his suggested priorities (the CMRR-Nuclear Facility and NNSA’s MOX Program) then proved to be successful beyond expectations. He was also tapped to make a new round of recommendations in November 2013.

Earlier Accomplishments **(Before the Founding of Nuclear Watch NM)**

Before co-founding Nuclear Watch New Mexico in December 1999, Executive Director Jay Coghlan worked with the Santa Fe-based Concerned Citizens for Nuclear Safety (CCNS) since 1989. In that decade he:

- Put LANL issues on the CCNS agenda to begin with. Prior to that, the organization focused solely on the Waste Isolation Pilot Plant, the world's first deep geologic radioactive waste repository in southern New Mexico. CCNS' work centers on LANL to this day, particularly with respect to environmental and water issues.
- Jay and CCNS came to be involved with LANL issues through the Lab's 1989 proposal to resume mixed hazardous and radioactive waste incineration, which required permitting by NMED. Jay organized a letter-writing campaign against radioactive incineration aimed at New Mexico's two Senators and the then-3rd District Congressman Bill Richardson. Ultimately, Richardson introduced legislation that required a year's moratorium on the proposal in order to allow NMED time to promulgate air quality regulations on mixed waste incineration. When those regulations were issued DOE sued New Mexico and lost, and then lost again in appeal to the State Supreme Court, thereby firmly setting important legal precedent. In the end, in the face of public controversy, LANL abandoned its attempt to resume mixed waste radioactive incineration, to our knowledge the first time the Lab had ever been forced to back down on a major issue.
- In 1990 LANL proposed the construction and operation of a major new plutonium facility. Under Jay's leadership, CCNS, with others, used the required National Environmental Policy Act process for public review to delay that proposal. Not long thereafter, Congress declined to fund LANL's new plutonium facility, given the end of the Cold War. However, on a sad and ironic note, the essence of that proposal was resurrected in LANL's "Chemical and Metallurgical Research Replacement Project" (CMRR). Nuclear Watch NM later became very involved in fighting against the CMRR.
- In 1992, with Jay and John Stroud as Co-Directors of CCNS's LANL Programs, the organization filed suit against the Lab for Clean Air Act violations. Ultimately, in 1997 a federal judge ruled that LANL was in violation at 29 of its 31 major radioactive air emissions sources. Prolonged settlement negotiations followed, which resulted in the first-ever independent audits of a DOE's site's radioactive air emissions monitoring program, and the required continuance of a popular online emissions monitoring network.
- In 1995, CCNS, under Jay's leadership, and the Los Alamos Study Group sued DOE for its failure to complete an environmental impact statement (EIS) before constructing an advanced nuclear weapons design facility called the Dual-Axis Radiographic Hydrodynamic Testing Facility (DARHT). DARHT is the world's most advanced nuclear weapons design facility whose purpose is to explode surrogate plutonium pits while x-raying them. As part of pre-litigation negotiations with DOE, the two parties had three demands that the Department must:
 - 1) Complete a delayed, legally required programmatic environmental impact statement (PEIS) on its proposed post-Cold War reconfiguration of its nuclear weapons complex;

- 2) Complete an EIS for DARHT; and
- 3) Refrain from constructing DARHT until a formal decision was reached through the EIS.

DOE agreed to our first demand, which resulted in the 1996 “Stockpile Stewardship and Management PEIS,” which gave much public insight into DOE’s nuclear weapons plans. It also provided the crucial legal record for subsequent issues, such as the Modern Pit Facility, the \$5 billion National Ignition Facility at the Livermore weapons lab, and NNSA’s formal proposals to “transform” its nuclear weapons complex (which is based upon and technically is a “supplement” to the 1996 Stockpile Stewardship and Management PEIS).

As the result of protracted negotiations (requiring three trips to Washington, DC), DOE also agreed to complete an environmental impact statement for DARHT, but refused to stop construction while preparing it. Therefore, the Los Alamos Study and CCNS proceeded with litigation, and won a federal court injunction against construction until the EIS was finally completed. As one newspaper put it, that judicial decision “sent shock waves across the nuclear weapons complex,” and DOE’s and LANL’s NEPA behavior has generally been much better ever since. As a concrete environmental benefit, the EIS mandated phased-in containment of the open-air explosives tests, some of which involve plutonium and uranium, and hence are clearly public health threats.

- In 1996, Jay was the first to expose an earth-penetrating modification that in military terms was the first new U.S. nuclear weapons in nearly 20 years. He had noticed an obscure note in the Sandia National Laboratories’ FY05 Institutional Plan that stated that the Labs were working on advanced earth-penetration technologies. On a radio interview hosting him and a LANL nuclear weapons scientist Jay was able to ask him about it. The scientist forthrightly replied that indeed the Labs were involved in an earth-penetrating modification to the B61 to replace the existing one megaton surface-burst B53 as a more effective and useful means to destroy deeply buried hardened targets. This subsequently became the well-known earth-penetrating nuclear weapon, the B61-11, which was rushed to the stockpile in 1997.
- Also in 1996, Jay researched a legal case to sue DOE over its failure to have ever completed a legally required programmatic environmental impact statement for its national cleanup programs (which are the largest in history and will cost up to \$300 billion). He then persuaded a coalition of 39 co-plaintiffs, represented by the Natural Resources Defense Council, to pursue that case. The resulting December 1998 settlement created a \$6.25 million fund that enabled more than 40 citizens groups and Tribes across the country to conduct their own studies of DOE Environmental Management Programs. Since the settlement, Jay served continuously on the Advisory Board to the Administrator of that fund, helping to guide its distribution.
- Beginning in 1997, local activists began agitating that LANL should produce a new Site-Wide Environmental Impact Statement (SWEIS) for continued operations. NEPA requires one every 10 years, but LANL’s first and only was in 1979. In unrelated documents obtained under the Freedom of Information Act (FOIA) Jay found internal Lab admissions that the old SWEIS was “obsolete” and could no longer be used as the foundation for project-specific NEPA processes at the Lab. Shortly thereafter LANL and DOE caved in and

agreed to prepare a 1999 LANL SWEIS for continued operations, which yielded some of the most valuable information ever made public about the Lab.

Specific to that LANL SWEIS, Jay submitted formal comment as to how wildfire was a real risk to the Laboratory, of which the draft SWEIS completely omitted any analysis of. DOE agreed, and subsequently included a detailed analysis of a theoretical wildfire in the final 1999 LANL SWEIS. When the real thing actually broke out in the 2000 Cerro Grande Fire, according to Lab officials they followed the SWEIS as a playbook for predictions as to what would happen next. In the words of a local newspaper, the real fire “eerily matched” the SWEIS’s prediction.

More importantly, as the result of the SWEIS’ model, the Lab took advance preventative measures, including cutting fire lanes around LANL’s main storage site for bomb-making radioactive wastes. The Cerro Grande Fire reached, but did not jump, those fire lanes, perhaps preventing major catastrophe. Finally, during attempts by Republican Congressional Members in 2006 to legislate restrictions on the public’s right to comment on NEPA processes, Rep. Tom Udall (D.-NM) and others specifically cited Jay’s comments for the 1999 LANL SWEIS as a model of how public comment enhances public safety and leads to better federal decisions.

- End -

December 2013