

Los Alamos Study Group

Press Advisory

For Immediate Release

January 7, 1998

UC Regents Sued for Arresting Leafleters at New Mexico Nuke Museum

Contact Persons: Greg Mello or Todd Macon, (505) 982-7747

The Los Alamos Study Group, a nuclear disarmament organization based in Santa Fe, NM filed a lawsuit today against the University of California regents and individuals at the Los Alamos National Laboratory. Los Alamos National Lab, managed by the University of California, is the center of the nations nuclear weapons complex and one of the world's largest producers of weapons of mass destruction. The "Lab" arrested on two occasions nine people for distributing leaflets outside its Bradbury Science Museum, a decidedly one-sided vehicle for nuclear bomb propaganda run by the University. Some of those arrested were simply passing out the Bill of Rights.

The complaint, filed in New Mexico's United States District Court, states, "Plaintiffs seek redress for deprivation by the defendants of plaintiffs' rights secured by the first and fourteenth amendments to Constitution of the United States." The plaintiff's seek compensatory damages, punitive damages and an order enjoining the defendants from interfering with the distribution of leaflets in front of the Museum. The complaint concludes that the Lab's and the University of California's, "conduct in the past and its current policy regarding leafleting is in gross, knowing and intentional violation of plaintiff's first amendment right to free speech."

Copies of the complaint are available upon request.

ENDS

Los Alamos Study Group

PRESS ADVISORY

EMBARGOED until January 21, 1998, 8:00 am

PRESS CONFERENCE: State Capital Rotunda, 11:30 am Wednesday 1/21/98

Contact: Greg Mello 982-7747

Taxpayers, Environmentalists Unite to Blast \$50 Billion In Wasteful and Destructive Federal Programs

LANL's Bottomless Plutonium "Pits" Project on List

Top LANL Manager: "Some Things Are Just Too Expensive *Not To Do*"

SANTA FE--Organizations representing over 8.5 million environmentalists, taxpayers, and deficit hawks have joined together to urge Congress and the Clinton Administration to cut 71 projects and programs that threaten the environment and waste taxpayer dollars. The Green Scissors Campaign, led by Friends of the Earth, Taxpayers for Common Sense, the U.S. Public Interest Research Group, and 23 other organizations and numerous local groups, released its report today [1/21] showing how to save \$50 billion in wasteful federal spending *and* protect the environment.

Destructive and wasteful projects identified include those in energy and nuclear weapons, like our own plutonium "pit" factory at Los Alamos and WIPP, public lands, water "development," agriculture, transportation, and others. At least 14 of the 71 wasteful projects chosen originate in the Department of Energy.

The plutonium "pit" project at Los Alamos National Laboratory (LANL) will spend at least \$1.1 billion to increase LANL's capability to make the plutonium cores of nuclear weapons from 20 pits per year to 50 pits per year (or 80 on a three-shift basis). The United States possesses a stockpile of about 12,000 weapons, plus an inventory of more than 10,000 excess pits, many of which can be substituted in deployed weapons if ever needed. There is no indication, however, that the existing pits will not last for at least two more decades, if not much longer. The projected cost of the project has more than tripled in the past year.

Making plutonium pits has led to some of the worst industrial accidents in U.S. history. This was the role of the Rocky Flats Plant near Denver, which was shut down in a joint EPA/FBI raid in 1989 and never reopened due to widespread environmental and safety problems. Accidents aside, the processing and manufacture of plutonium components creates large volumes of long-lived transuranic and low-level radioactive waste, the former to be shipped to WIPP on New Mexico highways and the latter to be permanently buried at LANL.

"The 'science-based stockpile stewardship program' should really be renamed '*pork-based* stewardship,'" said Greg Mello, Director of the Los Alamos Study Group, a participant in the project. "This program is replete with redundancy, make-work, and contains over \$16 billion in unneeded new construction. It's not the *stockpile* that's being maintained, it's the *stockyard*."

Writing in the September 1996 issue of *Weapons Insider*, an internal LANL publication, Nuclear Weapons Program Director Dr. Steven Younger provides a different slant: "...but how will we pay for these new directions and strategic investments? It is unlikely that we will ever receive enough money to satisfy every need. So, we must look closely at our priorities but also keep in mind that some things are just too expensive *not* to do." [original emphasis]

*****ENDS

Los Alamos Study Group

FOR IMMEDIATE RELEASE

February 20, 1998

Contacts: Greg Mello, Los Alamos Study Group 505-982-7747
Jay Coghlan, Concerned Citizens for Nuclear Safety 505-986-1973
Barbara Finamore, Natural Resources Defense Council 202-289-6868

Federal Judge Orders DOE Secretary Pena, Aides to Stand Trial for Contempt; Criminal Prosecution Possible This Fall

WASHINGTON, DC: Today, U.S. District Court Judge Stanley Sporkin ordered DOE officials to stand trial for contempt of court for their failure to abide by a 1990 court order requiring DOE to publicly review its plan to clean up the U.S. nuclear weapons complex. At the same time, the judge ordered DOE officials to submit to six months of discovery to find out how and when they got "off the track." After ruling on civil contempt charges in October the judge will decide if criminal prosecution is also warranted.

The motion granted today by Judge Sporkin was filed by 39 watchdog and nuclear policy organizations from around the nation, representing both local citizens and national policy experts. The plaintiffs are represented by Barbara Finamore of the Natural Resources Defense Council. It is part of larger lawsuit alleging that the DOE has not examined reasonable alternatives to its nuclear weapons program (which is growing) and cleanup program (which is shrinking).

In 1990, in order to settle a lawsuit brought by many of the same groups, DOE agreed to prepare a detailed environmental study of its plans to clean up the U.S. nuclear weapons archipelago. This study would have included policy alternatives for large-scale nuclear waste transport and disposal, clean-up levels at the various sites, long-term monitoring, and the impact of newly-generated nuclear wastes on DOE's clean-up program. The clean-up project, estimated to cost in excess of \$250 *billion*, is one of the largest engineering projects in the history of civilization. So far, it has been proceeding piecemeal, without the court-ordered review.

In addition to sanctions against Sec. Pena and his aides, the motion asked the court to order DOE to complete a PEIS on Environmental Restoration and Waste Management and seeks cancellation of DOE's Records of Decision (RODs) on the Waste Isolation Pilot Plant (WIPP) and Management of Transuranic Waste. Copies of court documents, including the plaintiffs' contempt motion, are available on request.

ENDS

Los Alamos Study Group

Press Advisory

March 20, 1998

For Immediate Release

Contact: Todd Macon or Greg Mello (505) 982-7747, Zia Mian (609) 258-5468

Princeton Physicist to Lecture on Nuclear Weapons and Disarmament

Dr. Zia Mian, a physicist currently with Princeton's Center for Energy and Environmental Studies, will lecture and answer questions on nuclear weapons and disarmament on March 26th, from 7-9 p.m. at Our Lady of Guadalupe Parish Hall, 417 Agua Fria St., in Santa Fe. Dr. Mian's talk will address a number of nuclear weapons issues, including:

- the moral, political, strategic, and economic case against Pakistan's nuclear weapons program, and;
- India's recently announced nuclear weapons program and India's impact on the Comprehensive Test Ban Treaty;
- the ramifications of the U.S. "stockpile stewardship" plan on treaty negotiations, disarmament, and non-proliferation efforts.

Dr. Mian will be one of the members of the Citizen Verification Team which will visit LANL on Thursday, March 26th.

Dr. Mian helped to found the first anti-nuclear group in Pakistan and, along with the Study Group, was involved in founding "Abolition 2000," a global network of organizations working to ban nuclear weapons. He has spoken many times at the United Nations, and a number of his talks have been published by the UN Center for Disarmament Affairs. His articles have appeared in Pakistan, India, Bangladesh, Japan, France, and the United States. Dr. Mian has been an International Visiting Fellow at the Union of Concerned Scientists and a Visiting Research Fellow at the Sustainable Development Policy Institute. He is on the Coordinating Committee of the International Network of Engineers and Scientists Against Proliferation (INESAP), and the Editorial Advisory Board of Energy and Security, an international newsletter on non-proliferation, disarmament, and energy sustainability.

Dr. Mian will discuss how the activities at Los Alamos National Laboratory (LANL) affect international security, nuclear weapons proliferation, and the values necessary for an open society. Dr. Mian writes, "There are some things so terrible that they can only be done in secret. Nuclear weapons were born here in Los Alamos in secrecy. Nuclear weapons were born in Russia, in China, Britain and France in secret. In Israel, India and Pakistan they are so secret that their very existence is denied. It is only in an open global society, where there are no dark places anywhere, no secret bunkers, no fences protecting national security but excluding citizens, that we can be certain about a world free of nuclear weapons."

*****ENDS*****

Los Alamos Study Group

PRESS ADVISORY

For Immediate Release March 20, 1998

Contact: Todd Macon or Greg Mello (505)982-7747

“CITIZEN VERIFICATION TEAM” TO VISIT LOS ALAMOS

SANTA FE--On March 26, 1998, a “Citizen Verification Team” will visit Los Alamos National Laboratory in an effort to highlight and protest the United States’ ongoing development of nuclear weapons. The U.S. program continues to grow despite the recent international outcry against secret manufacture of weapons of mass destruction in Iraq. In addition to educating the public about the United States’ own massive nuclear stockpile, the citizen team will call for greater access to unclassified information regarding all programs which design, produce, or maintain weapons of mass destruction. The group asserts that international transparency, rather than secrecy, regarding the policies underlying such programs would help ensure active, democratic debate about the desirability of maintaining and manufacturing thousands of nuclear weapons. The team also hopes to inspire an ongoing process of societal verification, whereby ordinary citizens and non-government experts play an active role in helping to verify treaty compliance and to advance non-proliferation and disarmament efforts.

The team will arrive at LANL and request interviews with management as well as unfettered access to unclassified information concerning plans for nuclear weapons development and manufacture. There will be a press conference following the inspection at 4:00 p.m. in the Nambe Room, Fuller Lodge, Los Alamos.

Sources of the team’s legal authority and ethical justification include:

- The Treaty on Non-Proliferation of Nuclear Weapons.
- The International Court of Justice’s Opinion on the Legality of the Threat or Use of Nuclear Weapons.
- The U.N. General Assembly Resolution which states that the use of nuclear weapons is “contrary to the spirit, letter, and aims of the United Nations, and, as such, a direct violation of the Charter of the United Nations.” as well as “contrary to the rules of international law and to the laws of humanity.”
- The U.S. Freedom of Information Act.

The results of the inspection will be discussed with laboratory officials (invited) at a public roundtable in Santa Fe that evening (March 26) at 7:00 p.m. at Our Lady of Guadalupe Parish Hall. The Los Alamos Study Group, which is organizing the inspection, will take the team’s report to Geneva for presentation at the U.N. Conference on Disarmament in May.

Citizens involved in the on-site inspections will include Dr. Zia Mian, a prominent Pakistani physicist at Princeton University; and Bishop Thomas Gumbleton, an internationally-recognized peace activist whose recent fact-finding trip to Iraq was the subject of a CNN documentary. Other team members will include a historian and WWII veteran, a mother of three, researchers from the Study Group, and others.

The event will occur in conjunction with a similar “Citizen Verification Team” inspection of Lawrence Livermore National Laboratory in California, led by former top Los Alamos weapons designer Theodore Taylor. For the Livermore event, the contact is Marylia Kelley at (510)443-7148. ***ENDS***

Los Alamos Study Group

PRESS RELEASE

March 27, 1998

For Immediate Release

Contact: Cathie Sullivan or Greg Mello 982-7747

After Lawsuit Is Filed, Los Alamos Finally Acknowledges First Amendment Rights of Leafletters; Citizens' Group Returns to Los Alamos "Science" Museum

SANTA FE--Today, leafletters finally returned to the Bradbury Science Museum in Los Alamos, where they will hand out their leaflets to Museum visitors. Almost a year ago, many of the same people were arrested by Museum Director John Rhoades for the same activities. Nine people spent almost six months in legal limbo, awaiting trial for "trespassing," which carried a penalty of up to a year in jail, plus fines of \$1,000 each. Charges were eventually dropped by the Lab and District Attorney Henry Gonzales just days before trial. Attorney John Boyd and the Freedman, Boyd, Daniels firm of Albuquerque represented the nine defendants.

The Study Group and the nine former defendants subsequently filed a lawsuit against the University of California, Rhoades, asking for a court order forcing LANL to allow leafleting, as well for repayment of legal defense costs and monetary damages. That lawsuit is now pending in federal district court in Albuquerque.

On February 25, LANL counsel Paul Bardacke wrote Boyd conceding the right to leaflet at the Museum.

The Study Group began leafleting when its "alternative perspectives" exhibit was gradually eased out of the Museum by a series of steps that concluded with a proposed "lottery," which was to decide how to divide a dwindling official allotment of space between the Study Group and a pro-laboratory organization.

"It's great to be back," said Study Group Director Greg Mello. The Bradbury Museum should not be allowed to propagandize visitors and new Lab employees without rebuttal. It is shameful that hundreds of thousands of taxpayer dollars are being spent at this corporate "museum" to advertise a facility that manufactures weapons of mass destruction. Is this "science," or just self-promotion?"

LATER TODAY--

Dr. Zia Mian, Princeton physicist and disarmament and nonproliferation expert, will speak at Guadalupe Parish Hall, 441 Agua Fria St., at 7:00 pm. A leading peace activist, his talk will be entitled "What Mad Pursuit: the Search for Nuclear Security Around the World."

*****ENDS*****

Los Alamos Study Group

PRESS RELEASE

For Immediate Release 4/20/98

Disarmament Groups Force DOE to Release Portions of Secret "Stewardship" Plan for Nukes; Agency Now Admits It Will "Replace" Nuclear Weapons in Stockpile and Develop "New Nuclear Options for Emergent Threats"

Contacts: Greg Mello or Maya Sinha at the Los Alamos Study Group (NM), 505-982-7747
Christopher Paine at the Natural Resources Defense Council (Wash., DC), 202-289-2370
Jackie Cabasso at the Western States Legal Foundation (Oakland), 510-839-5877
Marylia Kelley at Tri-Valley CAREs (Livermore), 510-443-7148

The Department of Energy (DOE), in an attempt to fend off a legal challenge to its nuclear "stewardship" program brought by the above groups and others, has released a declassified version of its October 1997 "Stockpile Stewardship and Management Plan" to a federal court. This newly-released "Green Book," so called, provides new admissions regarding DOE's plans to indefinitely maintain a large nuclear arsenal, gradually replace existing weapons with modified or new ones, develop "new nuclear options for emergent threats," and create the capacity to build thousands of additional nuclear weapons if "needed." The provision of "new nuclear options" has been, up to now, strenuously denied by DOE.

The lawsuit that produced the document was brought by 39 disarmament and environmental organizations, represented by the Natural Resources Defense Council (NRDC). The stewardship plan was supplied last month in response to plaintiffs' arguments against production of plutonium pits at Los Alamos National Laboratory (LANL) and construction of the National Ignition Facility (NIF) in Livermore. Both projects have capital costs in the \$1.2 billion range. New information on environmental and safety risks at both sites has led plaintiffs to redouble their earlier request for injunctive relief from Judge Stanley Sporkin in Washington.

The clearest plain-language statement of DOE's plans to continue nuclear weapons development can be found in the following passage:

The requirement to maintain the capability to design and engineer new weapon systems to military requirements [was] stated in the DoD Nuclear Posture Review (NPR). *Nuclear weapons in the enduring stockpile will eventually be replaced.* (New system development may be needed even to maintain today's military characteristics.) *This work is anticipated to begin around 2010.¹* In the meantime, *future national policies are supported for deterrence by retaining the*

¹ Compare: "I'd hate to say we'll be done [with subcritical tests] in 10 years, said LANL's Wolkerstorfer. "In 10 years, we're going to be building different pits, different weapons. And that means different issues coming up." Ian Hoffman, "Managing the Nuclear Arsenal," *Albuquerque Journal*, 6/1/97.

ability to develop new nuclear options for emergent threats... Miniature, modular building blocks for nuclear weapon systems are being developed...*proof-of-principle flight tests will demonstrate alternative concepts to address new threats and will provide the technology for new approaches to deterrence*, should the nation ever need them, as well as attract and train new nuclear weapon system engineers. (p. 7-34, emphasis added)

"These statements reveal a shocking disregard for U.S. commitments, especially those enshrined in the Nuclear Nonproliferation Treaty (NPT), to end the nuclear arms race," said Study Group Director Greg Mello. "It's imperative that these plans be stopped. If we don't abide by the treaties we've signed, how can we get other countries to do so?"

Advocates of a conservative approach to maintaining U.S. nuclear weapons will be dismayed to learn that DOE believes it can gradually replace the fully-tested weapons in the U.S. stockpile with weapons whose "physics packages" have never been fully tested but rather have been designed or redesigned on computers, perhaps several times, by people who have never had real nuclear testing experience. Several prominent DOE advisors have advocated against such an approach.

Other features of DOE's plan, revealed for the first time in this document, include:

- The supposed "need" for a 10 petaflop or faster supercomputer--a machine at least 10,000 times faster than the fastest experimental supercomputer operating today (p. 8-18);
- The near-term "need" to certify modifications to the nuclear explosive portions of some U.S. weapons, including a new fire-resistant-pit-containing primary for B61 tactical gravity bombs (p. 4-15 and 1-11);
- A program to provide a "continuum of warhead design options" (p. 5-9) to replace the warheads on the Navy's submarine fleet, giving new ground-burst (and hence hard target kill) capability for those reentry vehicles which now carry W76 warheads--the most numerous weapon type now deployed (p. 10-20);
- Provision for the actual manufacture of these new submarine-launched warheads, an admitted driver for DOE's manufacturing modernization plan (called "ADaPT," for "Advanced Design and Production Technologies") (p. 10-21);
- A DOE plan that would allow the agency to double the "shot" rate at NIF after the facility is built, yet the "[c]ost for implementing the increased shot rate is not in the baseline project [i.e. not in the budget submitted to Congress for funding] (p. 9-28); and
- "Hedge" production plans and "demonstrations" that, when implemented, would allow DOE to quickly increase U.S. nuclear weapon production to "cold war levels of building" (p. 6-18).

Much of the "Green Book" remains classified, including details of how DOE plans to use its multi-billion-dollar suite of "surrogate" testing facilities to design weapons and thus complete its "end run" around the Comprehensive Test Ban Treaty (CTBT).

*****ENDS*****

Los Alamos Study Group

FOR IMMEDIATE RELEASE

June 19, 1998

Contact: Greg Mello (505-982-7747)

DOE Admits It Misrepresented Possible Plutonium Release from "Pit" Manufacture at Los Alamos in Environmental Statement; Total Plutonium Release Could be Hundreds of Times Greater

SANTA FE--In a sworn statement filed in federal court in Washington DC, a senior Department of Energy (DOE) official has now admitted that the amount of plutonium that could be released to the environment from a catastrophic accident at Los Alamos National Laboratory (LANL) was misrepresented to the public. The actual amount of plutonium that could be released in the event of a catastrophic accident now appears to be at least one hundred times, if not one thousand or more times, greater than past DOE's public statements.

In its September 1996 "Final Programmatic Environmental Impact Statement for Stockpile Stewardship and Management" (SSM PEIS), DOE said that in its proposed manufacture of plutonium "pits"--the fissile core in every U.S. nuclear weapon--a catastrophic accident at LANL's main plutonium building could release a total of no more than 630 *milligrams* of the radiotoxic metal. Such an accident would, DOE said, occur on the average of only once every *two million years* of industrial operations.

Citizen organizations familiar with the history of DOE operations--especially operations at its Rocky Flats Plant, where plutonium pits were previously manufactured--have long been telling DOE that its total estimated maximum release, and estimated accident frequency, were absurdly optimistic. The building in question contains nearly three metric *tons* of plutonium; kilograms of the flammable metal are in use at any given time.

Thirty-nine citizen organizations filed suit in 1997, protesting the adequacy of DOE's SSM PEIS and seeking an injunction against pit production at LANL and other proposed new DOE programs. On Monday, June 22, Judge Stanley Sporkin will hear final arguments in the portion of the case dealing with pit production.

In a May 18, 1998 court statement, Albert Whiteman, Assistant Manager of the Office of Technology and Site Programs in DOE's Albuquerque Office, admitted that this "630 milligrams" was in fact just that portion of the released plutonium that would be carried deep into the lungs of victims, the so-called "respirable fraction." *This respirable fraction is likely to be just a tiny part--at most one hundredth--of the total amount released.*

DOE's analysis included only accidents at LANL's most modern facility, omitting concerns at older, weaker buildings that sit closer to earthquake faults, as well as accidents at the proposed new plutonium storage facility, which would allow DOE to bring several additional tons of plutonium to LANL for processing and long-term storage. Intentional sabotage has occurred in LANL's plutonium facility in the past; this too was omitted as a possibility.

Plutonium is an extremely potent carcinogen; a speck inhaled is adequate to cause fatal lung cancer. Larger particles are hardly harmless, however--especially if these particles are subsequently broken up or resuspended by wind or cleanup attempts. Plutonium fallout in *any*

form would permanently affect laboratory operations, land use, property values, the environment and wildlife, and pose a permanent hazard to humans.

"We have long known that DOE has been low-balling the risks of industrial plutonium operations, said Greg Mello, Study Group Director. "It is a relief to see them finally admit it. The people of northern New Mexico need to know that DOE's analysis of possible accidents is more public relations than science. They begin with omitting the greatest dangers and most frequent kinds of accidents, then add the assumption that everyone follows all the rules, and conclude by misrepresenting their findings. The result is utterly worthless. Despite a show of analysis, DOE really has no idea what the risks of pit production are. They--and the public--should find out, *before* starting up the production line."

Past pit production activities are the source of most of the waste slated for shipment to the WIPP site. The proposed pit production at LANL would generate more such "transuranic" waste, albeit at a slower rate than in the past.

In their lawsuit, the plaintiffs--who face the combined legal might of the departments of Energy and Justice--are asking, why start pit production at all? The DOE has approximately 12,000 pits in existing nuclear weapons, and has approximately the same number in storage near Amarillo, Texas. The START II Treaty, ratified by the U.S. Senate but not yet by the Russian Duma, limits the number of deployed warheads and bombs to 3,500 or less. The START III agreement signed by Clinton and Yeltsin has even lower limits. There are no near-term aging phenomena which could affect pit performance.

Under Article VI of the Nuclear Nonproliferation Treaty (NPT); the world's nuclear powers have agreed to total nuclear disarmament. The recent Indian and Pakistani nuclear tests underscore the importance of shoring up the world's nonproliferation regime with at least a token effort to follow the NPT, its cornerstone.

"DOE has repeatedly assured the public that, unlike at Rocky Flats, pit production at LANL will be safe," Mello said. "If so, why have they knowingly misrepresented the hazards?"

Documents and analyses available upon request.

****ENDS****

Los Alamos Study Group

PRESS ADVISORY

For Immediate Release 7/21/98

Contacts: Greg Mello (505)982-7747; Cathie Sullivan (505)982-7144; John Boyd (505)842-9960

Los Alamos Lab Pays \$55,000 in Damages to Arrested Leafleters in Free Speech Lawsuit

SANTA FE—Today, the Los Alamos Study Group and nine people arrested last spring for leafleting at Los Alamos National Lab's (LANL) Bradbury Museum will receive a total of \$55,000 in damages and legal fees. The lawsuit was filed last January in U.S. District Court by the nine leafleters and the Study Group against the University of California and three LANL managers involved in the arrest. The settlement embodies essentially all the plaintiffs' demands, including acknowledgement of their First Amendment right to leaflet at the Museum. Only punitive damages are not included. "This is a victory for free speech," says Greg Mello, one of the nine handcuffed in front of the Museum doors last spring.

John Rhoades, Director of the Bradbury Museum, ordered the leafleters' arrest on two occasions in 1997. In April, LANL arrested them for handing out disarmament-related pamphlets to visitors entering the Museum; in June, for distributing copies of the U.S. Bill of Rights. The nine were arraigned on criminal trespassing charges, which carry a penalty of up to a year in jail, plus fines of \$1,000 each. Each person paid \$300 in bail to be released from police custody. Days before the case went to trial, and more than five months after the arrests, the Lab and district attorney Henry Gonzales finally dropped all criminal charges against the leafleters.

In the weeks before the arrests, the citizens engaged in a detailed dialogue with Lab management, seeking to avoid what they believed would be a clear violation of their constitutional rights. An attorney hired by the Study Group supplied several memos outlining citizens' right to leaflet in front of the Museum. Despite these efforts and an eleventh-hour meeting between the two sides and their lawyers, LANL proceeded with the arrests in the face of overwhelming legal precedent. "In my opinion, the Lab wasn't really interested in First Amendment rights," says Mello. "They just didn't want us there, period."

The citizens filed a complaint seeking "redress for deprivation by the defendants of plaintiffs' rights secured by the First and Fourteenth Amendments to the Constitution of the United States." The complaint charged that the Lab's and University of California's "conduct in the past and its current policy regarding leafleting is in gross, knowing, and intentional violation of the plaintiffs' First Amendment right to free speech." The group was represented by the Albuquerque firm of Freedman, Boyd, Daniels, Hollander, Guttman & Goldberg, well known for its civil rights work.

"I am always surprised to find public officials who believe they have the authority to suppress free speech on public property, such as a sidewalk in front of a public museum. These officials need to understand that one of their most important duties is to make sure that people's

constitutional rights are respected," says attorney John Boyd. "I take my hat off to citizens, such as my clients in this case, who are willing to endure arrest and prosecution to make sure that all of us continue to enjoy the freedoms which we are erroneously taught we should take for granted."

The Study Group began leafleting when its "alternative perspectives" exhibit was eased out of the Museum by a series of steps that concluded with a proposed "lottery," which was to decide how to divide exhibit space between the Study Group and a pro-nuclear organization. "With the leafleting issue behind us, our efforts will be focused on working with Director Rhoades to return our panel exhibit to the walls of the Bradbury Museum," says Cathie Sullivan, one of the nine arrested. After eleven months of being barred from exercising their First Amendment rights, the Study Group and volunteer leafleters resumed their posts at the Museum doors in March of this year, when the Lab, in the course of the settlement process, agreed not to interfere.

ENDS

Los Alamos Study Group

Press Release
August 26, 1998

Judge Orders DOE to Reexamine Plutonium Accident Scenarios at Los Alamos

Earthquake, Fire, Sabotage Are Possible Hazards at Nuclear Weapons Plant

*Decision Arrives Same Day As Lab Hosts Forum on So-Called
"Largest Risk" Faced by Community: "Forest Fires"*

WASHINGTON, DC--Federal District Judge Stanley Sporkin issued a final ruling here today on a lawsuit brought by watchdog groups regarding the adequacy of the Department of Energy's (DOE's) environmental and safety analysis of its plans to reconfigure and operate the nation's nuclear weapons complex, including the start-up of plutonium manufacturing activities at Los Alamos National Laboratory (LANL). The lawsuit was brought by 39 public interest organizations, including four from New Mexico.

The Memorandum Opinion and Order concludes Count II of the lawsuit. Count I, still outstanding, revolves around the adequacy of DOE's environmental cleanup and waste management plans.

In his order, Judge Sporkin formalized DOE's commitment to complete six seismic studies centered on the lab's plutonium facility and main technical area. Preliminary seismic studies conducted by the lab had shown a possible earthquake fault directly beneath the plutonium facility. More recent work, still incomplete, suggests that this fault splays to the west, near or possibly directly under nuclear facilities in the main LANL technical area, already known to be bordered by a significant fault on the lab's western boundary.

Seismic concerns have already played a part in downscaling or delaying DOE's plutonium manufacturing strategy for LANL, and could play a part in decisions regarding the lifetime of older buildings at the lab.

In addition, the Judge ordered DOE to look more carefully at the hazards from smaller fires propagating into larger ones (as happened on more than one occasion at the disaster-plagued Rocky Flats Plant, Los Alamos' predecessor in plutonium manufacturing), the hazard from earthquake-generated building-wide fires, and the hazard from sabotage at the plutonium facility.

Sabotage has already occurred at this facility, when hydrogen gas spigots were turned on. A serious explosion and fire could have resulted.

DOE is to analyze the effect of its new analysis on plutonium manufacturing decisions and will provide a 30-day public comment period on this analysis prior to making a final decision on whether further studies are needed.

The Judge further ordered that any action to realize DOE's contingency plans to construct a much larger plutonium manufacturing capability--which were revealed during the course of the lawsuit--must be preceded by a full programmatic environmental impact statement.

The Court will retain jurisdiction over this case, and the citizens' groups can return to the court if they deem DOE's analysis inadequate.

*Citizens for Alternatives to Radioactive Dumping, Concerned Citizens for Nuclear Safety, Los Alamos Study Group, and Physicians for Social Responsibility, New Mexico Chapter

*****ENDS*****

Los Alamos Study Group

FOR IMMEDIATE RELEASE

November 4, 1998

Contact: Flannery Davis or Greg Mello, 505-982-7747

Pakistani, Indian Physicists to Discuss Nuclear Proliferation and Disarmament at Los Alamos

Do U.S. Policies Make Disarmament Impossible?

Is there hope for controlling nuclear proliferation in Asia? What policies might the United States pursue to help prevent nuclear war there--or here, for that matter? Is the U.S. stockpile stewardship program compatible with our treaty obligations, and our hopes for peace? Why have India and other countries consistently pointed to the work going on at Los Alamos and the other U.S. nuclear labs as evidence that the United States does not intend to abide by its existing treaty obligations? Why is the United States fighting the nuclear disarmament and nonproliferation measures recently introduced in the United Nations by thirty countries?

On Thursday and Friday, the Los Alamos Study Group is bringing two well-known South Asian physicists to New Mexico to discuss these and other concerns with managers and staff at Los Alamos National Laboratory (LANL), while providing them with up-to-date information on the nuclear situation in South Asia.

Thursday's forum is open to the public and is entitled "Nonproliferation--Impacts of the Indian and Pakistani Nuclear Tests." It will be held at 2:00 pm in the Oppenheimer Study Center, above the lab's main library. Friday's panel discussion, which will address the linkages between nonproliferation and disarmament, will be held at Fuller Lodge at 7:00 pm. The public is welcome to both, and there will be ample time for questions.

Participants in both panels will include Zia Mian, M. V. Ramana, Maurice Bryson, and David Thomson.

Dr. Mian is currently a research associate with the Center for Energy and Environmental Studies (CEES) at Princeton University. Dr. Mian, a prize-winning physicist trained in England who is equally adept in political science, was an antinuclear activist and author in Pakistan before moving to the U.S. While at Princeton, Dr. Mian has continued to write on South Asian nuclear and political issues for both popular and academic publications. Dr. Mian's most recent book, co-edited with Iftikhar Ahmad, is entitled *Making Enemies, Creating Conflict--Pakistan's Crises of State and Society*.

Dr. M. V. Ramana, originally from India, is a U.S.-trained theoretical particle physicist and a founding member of the Alliance for a Secular and Democratic South Asia. He is also currently with CEES at Princeton. His current research centers on nuclear weapons and nuclear power programs in South Asia, and he is now writing a book on the history of India's nuclear complex.

Maurice Bryson is a Technical Staff Member of the Nonproliferation and Arms Control Program Office at LANL. He is project Leader for International Policy and Analysis programs.

Dave Thomson, a former LANL staff member, is a consultant to LANL on arms control. He is an active member of the Los Alamos Citizens for Arms and International Security.

*****ENDS*****

SECRET -- RESTRICTED DATA

When separated from enclosures, this document is unclassified.

November 17, 1998

The Honorable Victor H. Reis
Assistant Secretary for Defense Programs
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0104

Dear Dr. Reis:

The Defense Nuclear Facilities Safety Board (Board) has been following the Department of Energy's (DOE) efforts to startup certain classified activities at the Los Alamos National Laboratory.

Enclosed for your consideration is an issue report prepared by the Board's staff that raises the concern that because of inadequate planning, there may not be sufficient time or talent for effective reviews of safety prior to commencement of these startup activities. Consequently, the Board requests, pursuant to 42 U.S.C. § 2286b(d), a brief report that addresses DOE's path forward for completing the startup preparations. This report should include the following specific items:

- Plans and a resource-loaded schedule for DOE review of the following:
 - (1) deliverables required by the safety evaluation report and authorization agreement;
 - (2) revisions to the safety analysis report and the technical safety requirements.
- Names, qualifications, and affiliations for all individuals assigned the responsibility of reviewing technical portions of these documents.

The Board requests that this report be issued no later than 30 days from the date of this letter.

Sincerely,

John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.

Enclosure

**When separated from enclosures, this document is unclassified.
Document transmitted herewith contains Secret/Restricted Data**

Los Alamos Study Group

P R E S S R E L E A S E

December 1, 1998

Top-Secret New Los Alamos "Activity" Raises Safety Concerns

**DOE Refuses to Reveal Nature of Hush-Hush,
Admittedly-Dangerous Project to Public**

Contact: Greg Mello, 505-982-7747

In a secret report dated November 17, 1998, John Conway, Chairman of the Defense Nuclear Facilities Board (DNFSB), warned Assistant Secretary of Energy for Defense Programs Dr. Victor Reis, that the startup of "certain classified activities" at the Los Alamos National Laboratory (LANL) could be unsafe.

In his unclassified cover letter, Mr. Conway raises the concern that because of "inadequate planning, there may not be sufficient time or talent for effective reviews of safety prior to commencement of these startup activities." Conway requests a report from Dr. Reis within 30 days, providing answers to the safety questions posed by his staff.

"It is outrageous that the Department of Energy believes it can initiate a totally-secret new program at Los Alamos without revealing the nature of the program to the public. There is no justification for classifying the very existence of a project that could harm employees, the environment, or the public. I hope that journalists throughout New Mexico can crack the nut of inappropriate secrecy and get to the bottom of this end-run around public accountability," said Greg Mello.

Numerous governmental studies of the secrecy issue have found that secrecy is often an invitation to the worst forms of government abuse, not just in the environmental arena, but in fiscal matters and, as DOE's track record abundantly indicates, in legal and ethical domains as well.

(letter from Conway attached)

****ENDS****