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Bridge the Gap Moves After 27 Years

Note New Address, Phone

AFTER MORE THAN a quarter of a century located at the First United Methodist Church of West Los Angeles, CBG's LA office is moving. We are very grateful for the decades of kind hospitality provided by the church, which has recently expanded its congregation and needs the extra space. Any leads for a new office in the same general area would be much appreciated. In the meantime, contact us through our northern California office:

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**CBG is a 501 (c) 3 Non-Profit Organization
All contributions are tax deductible.**

CHECK OUR NEW AND IMPROVED WEBSITE AT

www.committeetobridgethegap.org

It's a great way to keep abreast of breaking developments and CBG in the news.

2007 ANNUAL REPORT

COMMITTEETOBRIDGETHEGAP.ORG

COMMITTEE TO BRIDGE THE GAP

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MAJOR VICTORY AGAINST DOE

CBG, NRDC, City of LA Win Big Nuclear Lawsuit

IN A POWERFUL DECISION issued by U.S. District Judge Samuel Conti, the U.S.

Department of Energy (DOE) was found to have violated federal environmental law in its woefully inadequate cleanup of the heavily polluted Santa Susana Field Laboratory. The

it up, as well as DOE's refusal to conduct an Environmental Impact Statement (EIS).

Judge Conti found that DOE had violated the National Environmental Policy Act (NEPA), that some of DOE's arguments were "laughable," and that given the level of

from transferring the land until it had complied with the court's order to complete an EIS. He was critical of the failure of DOE to allow a long-promised independent radiation survey by the U.S. Environmental Protection Agency to find the contamination that needed to be cleaned up.

The judge's conclusion was very strong: "In conclusion, the Court finds overwhelming support for Plaintiffs' argument that [DOE] is in violation of NEPA. ... [T]he context in which this decision has been taken strongly favors this conclusion. Area IV is known to be radiologically contaminated and, in fact, was the location of at least one well-known nuclear meltdown... It is located only miles away from one of the largest population centers in the world and, in all probability, will become a part of that center. Among the primary purposes of NEPA, and the EIS process more specifically, is assuring that the public is informed and aware of the potential environ-

mental impacts of government actions... It is difficult to imagine a situation where the need for such an assurance could be greater."

And in a telling sign of how serious he took DOE's violations of law and the prospective risks to the public, he concluded his order by saying: "The Court will retain jurisdiction over this matter until it is satisfied that the DOE has met its legal obligations as they relate to the remediation of Area IV." We will be watching DOE closely to see that it fully complies with the court Order, and if compliance is less than thorough, we will bring the matter back to Judge Conti.

We are very grateful to Howard Crystal, lead attorney in the case; NRDC attorneys Geoff Fettus, Joel Reynolds, and James Birkeland; and Mary Decker of the City Attorney's Office for their tremendously effective work in bringing about this great victory. The full decision can be read on our website, committeetobridgethegap.org.

suit, brought by the Committee to Bridge the Gap, the Natural Resources Defense Council (NRDC), and the Los Angeles City Attorney, challenged DOE's decision to leave in place 99% of the radioactively contaminated soil at the site rather than clean

contamination and the proximity of populated areas nearby, the government's actions were unacceptable. He ordered DOE to prepare a full EIS, that took into account both the radioactive and chemical contamination, and enjoined DOE

*Judge Conti
found some of
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Schwarzenegger Publicly Signs Nuclear Cleanup Bill

Privately Cuts Deal With Polluter to Gut It

Senator Kerry was ridiculed during the last Presidential election for purportedly saying that he had voted for a bill before he voted against it. (This isn't in fact what he said, as he voted for one version of a bill before it was unacceptably modified and then he voted against the revision.) For this he was labeled (unfairly) a flip-flopper. Governor Schwarzenegger should now be remembered as the man who signed a bill before he vetoed it. This move could well be labeled a "back-flip" worthy of Conan, the character that launched the Governor's acting career.

For years the communities around the Rocketdyne Santa Susana Field Laboratory, a contaminated nuclear and rocket testing facility on the LA/Ventura County boundary, have been trying to get it cleaned up. The site of numerous reactor accidents, including a partial nuclear meltdown, and thousands of rocket tests, the facility is polluted with a witches' brew of radioactive and toxic materials, some of which leak off the site every time it rains.

In the mid-1990s, the federal government promised to clean the site up to strict US EPA Superfund standards. In 2003, the Bush Administration broke that commitment and announced it would leave 99% of the radioactively contaminated soil in place.

Senator Sheila Kuehl has repeatedly introduced legislation in Sacramento to require cleanup to those EPA standards. This time, with remarkable bipartisan support, tremendous leadership by Assemblymember Julia Brownley, and the endorsement by all the major

localities—including LA and Ventura Counties, the Cities of LA, Simi Valley, Calabassas—the bill passed and was sent to the Governor. We worked very hard, with many others, to achieve this long-sought victory.

The polluter, The Boeing Company, worked the Governor's office hard and had plenty of access. Its lobbyists dangled the prospect of transferring the contaminated land to the state for a park if he would kill the bill's requirement to clean the site up effectively. And the Governor, with his strong ties to big business, wanted to do what the polluter wished, but didn't want to take the public flack for vetoing an environmental bill that had such remarkable support from the local community and representatives of both political parties.

So he turned to his prior career, that of actor, which entails pretending to do something which is in fact not real. On October 12, he issued a press statement which in its very first sentence said he was going to sign Senator Kuehl's

bill, "specifying the cleanup standards to be used" at the site. He also announced that Boeing would transfer the land to the state after cleanup was completed. And here's where that back-flip comes in: near the bottom of the press release he indicated that Senator Kuehl would carry some technical legislation next year to effectuate the land transfer.

What he did not say is that the text of the language he required Senator Kuehl to agree to introduce as part of this deal would strike all operative sections of the legislation he had just signed mandating the cleanup standards he had just trumpeted. Under Boeing's deal with the Governor, Boeing would some time in the future come up with unspecified cleanup standards that will be far less protective than those in the law just enacted, and in all likelihood no different than the miserable ones it now uses and which began the need for the bill in the first place. The bill he just signed would disappear.

Governor Schwarzenegger

has gotten huge international publicity as the proponent of landmark global warming legislation, appearing on numerous magazine covers as the savior of the environment. Yet what is forgotten is that it was then-Assemblymember Fran Pavley who wrote and fought for that bill, AB 32—and the Governor threatened to veto it. Only when the Legislature called his bluff and sent him the bill did he back down and in fact sign it. And now he takes credit for the global warming bill he had threatened to veto.

Acting is a skill, no doubt. But governance is something different. It involves genuine compassion for those who suffer and whom one is supposed to serve. Studies by UCLA and the University of Michigan suggest exposures at and proximity to the contamination at this site may have already resulted in increased cancer rates. The Governor cut a deal with the company that is responsible for these carcinogens, a deal to let it not strictly clean up its mess and instead continue to place at risk the innocent. But rather than take the heat for that by being forthright, he has pretended he has done the opposite. He announced he was signing the bill when in fact he was acting to kill it on behalf of the polluter.

Oh, and Governor? One little problem with the deal you cut with Boeing is that the amendment you want introduced next year to void the legislation you just signed has to pass the Legislature. The "little people" who live near the site and must live with the contamination, and who were so contemptuously ignored and misled won't let that happen. They will work hard to protect the bill you signed against your efforts to overturn it.

California Nuke Initiative Bites The Dust

HUGE VICTORY

A PROPOSED MEASURE to repeal California's nuclear safeguards law – which prohibits new reactors until and unless there is a permanent solution to the high level radioactive waste disposal problem – was withdrawn from circulation by its sponsor, Assemblyman Chuck Devore (R-Orange County), in November. Bridge the Gap, Sierra Club, and other groups had worked hard to fight it. This reversal may represent the beginning of a turnaround for nuclear advocates pushing for a revival of this terribly dangerous technology.

In 1976, California enacted a statute which bars new nuclear plants in the state until the California Energy Commission determines that there is a solution to the high level radioactive waste problem. Thirty years later, we are farther than ever from having a safe way of disposing of radioactive waste. But that hasn't stopped nuclear advocates, who proposed overturning the state moratorium.

Legislation was introduced earlier this year to repeal the nuclear safeguards act. Bridge the Gap, along with the Alliance for Nuclear Responsibility and other groups, successfully testified against the

bill. It did not get out of its first legislative committee and died.

The failed bill's author then filed with the state Attorney General language for a proposed initiative that he wanted to attempt to qualify as a statewide ballot measure. Like his failed legislation, it would have overturned California's nuclear moratorium and permitted new nuclear plants to be built in most areas of the state.

CBG has been active in working hard to defend the state law and moratorium and against any such initiative. CBG's Dan Hirsch debated Assemblymember DeVore at a public forum near the San Onofre Nuclear Plant sponsored and broadcast by public radio station KPCC. Hirsch also debated DeVore on Orange County public television station KOCE, and was featured in a piece on LA public television, KCET, on the subject. Links to these shows are posted on Bridge the Gap's website, www.committeetobridgethegap.org.

With the California initiative effort defeated, our attention in the year ahead will focus on addressing the national push for a nuclear revival.

NRC Leaves Nation's Reactors Vulnerable to Terrorism

FOR MORE THAN TWENTY years, Bridge the Gap has been pressing the Nuclear Regulatory Commission (NRC) to upgrade security at nuclear reactors to protect against terrorist attack, a matter made ever more important since 9/11. Yet the NRC regulations continue to require no protection against an airplane crashing into critical nuclear plant structures nor against a ground attack involving more than a handful of people, a small fraction of the 19 involved in 9/11. This despite the fact that the 9/11 Commission found that the original plot-

ters had considered attacking nuclear reactors at the time and postponed such action for a possible subsequent attack.

In 2004, CBG submitted to NRC a Petition for Rulemaking that would require two very simple changes to NRC security regulations: (1) require protection against aerial attack, and (2) require protection against groups at least as large as the 19 seen on 9/11. The Rulemaking Petition generated massive public support: more comments than received on any prior rulemaking petition in recent history, including support from 8 state Attorneys General. As part of the proposal, we suggested the construction of "Beamhenge" Nuclear Shields, an idea by CBG's Joel Hirsch for I-beams and cabling at standoff distances from reactor structures so an incoming plane would hit the shield, not the reactor, spent fuel pool, or other critical feature of the plant.

Despite rhetoric about the need for prompt actions to protect against terrorism, the NRC sat on the Rulemaking Petition for nearly three years.

In January of 2007, NRC finally acted—or more accurately, decided to take no substantive action to protect the nation against nuclear terrorism. It decided to not require reactors to be protected against aerial attack, and to only require protection against up to five external ground attackers. NRC declared it adequate to permit a plane, for example, to crash into a spent fuel pool, cause massive fires, loss of large areas of the plant, and significant release of radioactivity, and to rely not on prevention but on evacuation plans for the neighboring areas in case of successful attack. This is hugely irresponsible.

Because we knew NRC was about to make this decision, we were able to beat NRC to the news media in our condemna-

tion of the decision. Working with Public Citizen and the Nuclear Information and Resource Service, we were able to get major national press coverage such as in the Washington Post and over the Associated Press wire.

Shortly thereafter, NRC voted 4-1 to not even require NEW reactors to be designed to withstand the crash of a jumbo jet. Instead, the NRC has asked reactor vendors if they would, "pretty please," consider whether they are willing to make any design improvements voluntarily.

Andrew Cuomo, the Attorney General for the State of New York, has filed a suit in federal court against the NRC over the rejection of our Petition for Rulemaking and the NRC's decision to leave America's atomic plants vulnerable to nuclear terrorism. This long fight continues. *CBG's Rulemaking Petition and New York's Complaint can be read on our website.*