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## **Watchdog Groups Claim Nuclear Agency is Moving Forward to Manufacture New Plutonium Bomb Cores in Violation of National Environmental Law and Public Review**

Today, Nuclear Watch New Mexico, Savannah River Site Watch, and Tri-Valley CAREs sent a letter of demand to the U.S. Department of Energy's National Nuclear Security Administration (NNSA) to inform the government that its plan to quadruple the production rate of plutonium bomb cores is out of compliance with the National Environmental Policy Act (NEPA).

NNSA's premature plan to quadruple the production rate of plutonium bomb cores ("pits"), the heart of all US nuclear weapons, is out of compliance with requisite environmental law, the groups argue, as NNSA has failed to undertake a legally-mandated programmatic review and hold required public hearings.

The groups' 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 plutonium pit, or bomb core, is the key nuclear ingredient in the first stage in an exploding nuclear weapon. 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 a February 2017 confirmation hearing, NNSA Administrator Lisa E. Gordon-Hagerty testified that expanded plutonium pit production was her number one priority. On May 10, 2018, she announced, as 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 environment crimes at the site. In 1996 the Department of Energy formally relocated the pit production mission to LANL after completing a Programmatic Environmental Impact Statement that specifically capped production at 20 pits per year. NNSA is now moving ahead with plans to quadruple that rate while establishing redundant production at the Savannah River Site, which would be a completely new mission at that site.

The National Environmental Policy Act clearly requires that proposed major federal actions be subject to public environmental review, which federal executive agencies must undertake early in their decision-making processes. The three groups contend that, 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 the agency issues a formal Record of Decision as the result of a NEPA process.

The groups further assert that the proper form for the NEPA review must be a Programmatic Environmental Impact Statement (PEIS). As the letter states, NNSA has announced plans and is beginning to undertake actions that expand production far beyond the rate of 20 pits per year at LANL, which had been codified in a 1996 PEIS. Moreover, the now-planned 80 pits or more per year will establish production at a second site more than 1,500 miles from LANL. The law remains the same - as does NNSA’s obligation to it - thus necessitating a fresh PEIS. Following that review the groups note that NNSA must also complete required site-specific analyses.

Marylia Kelley, Executive Director of Tri-Valley CAREs, commented, “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, the NNSA’s present plan to expand pit production four-fold is driven by Lawrence Livermore National Laboratory’s desire to develop a novel and speculative new nuclear weapon, called the “Interoperable Warhead-1”. This new-design 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. It is, in a word, unnecessary. This make-work program should be canceled. And, absent a genuine technical driver, the production of plutonium bomb cores should remain limited to 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 house redundant plutonium pit production in a repurposed Mixed Oxide (MOX) Fuel Fabrication Facility at the Savannah River Site. The MOX Program was designed to convert 34 metric tons of military plutonium into commercial nuclear reactor fuel, but the project was plagued by never-ending cost overruns. Nevertheless, the State of South Carolina initially obtained a legal injunction preventing NNSA from terminating the MOX Program. However, on October 9, 2018, the Fourth Circuit Court of Appeals lifted the lower court’s injunction, removing that roadblock to NNSA’s plans.

Tom Clements, SRS Watch Executive Director, said, “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.”

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Today’s letter to NNSA Administrator Lisa E. Gordon-Hagerty is available from the three organizations. You will find it on the Nuclear Watch New Mexico website at: <https://nukewatch.org/newsite/wp-content/uploads/2018/10/NNSA-Pit-NEPA-ltr-10-30-18.pdf> and on the Tri-Valley CAREs web site at [www.trivalleycares.org](http://www.trivalleycares.org) in the “Press Room”.

A 2012 Navy memo demonstrating its lack of support for the Interoperable Warhead Program is available on the Nuclear Watch New Mexico and Tri-Valley CAREs web sites at: <https://www.nukewatch.org/importantdocs/resources/Navy-Memo-W87W88.pdf> and [http://www.trivalleycares.org/new/W78\\_88LEP\\_Navy\\_Memo\\_9-27-12.pdf](http://www.trivalleycares.org/new/W78_88LEP_Navy_Memo_9-27-12.pdf)