

# DOE's Nuclear Agency Moving to Manufacture New Plutonium Bomb Cores in Violation of Environmental Law and Court Order

*Natural Resources Defense Council, Nuclear Watch New Mexico, SRS Watch, Tri-Valley CAREs Assert "Pit" Pursuit Violates National Environmental Policy Act (NEPA)*

COLUMBIA, SC, USA, January 9, 2020 /EINPresswire.com/ -- The Department of Energy's semi-autonomous National Nuclear Security Administration (NNSA) has announced that it is proceeding with aggressive plans to expand the production of plutonium pits without required nation-wide "programmatic" public review. The Natural Resources Defense Council, [Nuclear Watch New Mexico](#), [Savannah River Site Watch](#) and [Tri-Valley CAREs](#) assert this is in violation of the legal requirements of

both the National Environmental Policy Act (NEPA) and a 1998 court order that stipulates that DOE must prepare a "programmatic environmental impact statement" (PEIS) when it plans to produce more than 80 pits per year. Plutonium pits are the radioactive cores of nuclear weapons.

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*Tom Clements, Director, Savannah River Site Watch*

establish redundant production of at least 50 pits per year at the Savannah River Site (SRS) in South Carolina by repurposing the partially built MOX Fuel Fabrication Facility, a boondoggle that has already cost American taxpayers ~\$7 billion. LANL has had chronic nuclear safety problems that shut down operations at its main plutonium facility for three years - the same facility slated for expanded operations.

Expanded pit production will cost at least \$43 billion over the next 30 years. Yet the Defense Department and NNSA have never explained why expanded plutonium pit production is



Production of new plutonium pits for unneeded nuclear weapons poses risk of new nuclear arms race

U.S. plutonium bomb core production ended in 1989 when the FBI raided the Rocky Flats Plant near Denver while investigating environmental crimes. In 1997, DOE relocated pit production to the Los Alamos National Laboratory (LANL) in New Mexico after completing the Stockpile Stewardship and Management Programmatic Environmental Impact Statement. Production was capped at 20 pits per year.

In May 2018, the Defense Department and NNSA announced plans to increase pit production at LANL to at least 30 pits per year. In addition, the agency plans to

necessary. More than 15,000 plutonium pits are stored at NNSA's Pantex Plant near Amarillo, TX. Independent experts have concluded that plutonium pits have reliable lifetimes of at least 100 years (the average pit age is less than 40 years). Crucially, there is no pit production scheduled to maintain the safety and reliability of the existing nuclear weapons stockpile. Instead, proposed future pit production is for speculative new-design nuclear weapons, but those design have been canceled

NNSA's latest rationale for new pit production is for a future "W87-1" warhead for the Air Force's intercontinental ballistic missiles. But whereas the W87 is an existing type of plutonium pit, according to NNSA budget documents the agency plans to produce future "W87-like" pits, leaving much room for modifications. That could adversely impact national security because newly produced plutonium pits cannot be full-scale tested without violating the global nuclear weapons testing moratorium.

The NEPA requires that proposed major federal actions be subject to environmental review, which federal executive agencies must undertake early in decision-making processes. Since 2003, NNSA has tried through two supplemental PEISs and two LANL Site-Wide Environmental Impact Statements to expand plutonium pit production but failed each time.

NNSA now refuses to prepare the required PEIS for expanded pit production. The watchdog groups contend that is mandated for three reasons: 1) NNSA must formally raise the pit production cap established in the 1996 PEIS; 2) a second site is now involved; and 3) more than ample precedent exists for programmatic NEPA review of expanded plutonium pit production. And, the 1998 court order requires that DOE must prepare a supplemental PEIS when it plans on producing more than 80 pits/year.

Tri-Valley CAREs' Executive Director Marylia Kelley noted, "NNSA's refusal to complete programmatic environmental review before plunging ahead with plans to more than quadruple the production authorization for plutonium bomb cores flies in the face of our country's foundational environmental law, the National Environmental Policy Act, and a standing federal court order mandating that the government conduct such a review. The order was obtained in prior litigation by Natural Resources Defense Council on behalf of itself, Tri-Valley CAREs, and additional plaintiffs. I find myself shocked but not surprised that NNSA would so flagrantly flout the law. Use of a speculative untested pit in a new Livermore Lab-design warhead will degrade, not enhance, the safety and reliability of the U.S. stockpile. My group stands ready to uphold



Proposed Plutonium Bomb Plant (PBP) at SRS: Abandoned, poorly constructed plutonium fuel (MOX) building, photo courtesy High Flyer to SRS Watch



Over 15,000 surplus, reusable plutonium pits are stored in bunkers at DOE's Pantex site in Texas

NEPA and the specific court order.”

“There’s a long legal history here,” said NRDC Senior Attorney Geoff Fettus. “But suffice it to say, it’s in everyone’s interest to carefully, and most of all publicly, assess whether it’s a good idea to aggressively expand the manufacturing of key components of nuclear weapons. There is a Federal Court order that directly addresses this issue. We have yet to see a meaningful response by NNSA to that order.”

Tom Clements of SRS Watch added, “NNSA is potentially facing a legal challenge for refusing to prepare the legally required over-arching environmental review of expanded pit production at Los Alamos and at the Savannah River Site, which has no previous pit manufacturing experience. Pursuit of the proposed Plutonium Bomb Plant at SRS is not only on shaky legal ground but the authorization and funding by Congress of all new pit production will be challenged this year and in subsequent years and is guaranteed to fail as DOE has repeatedly demonstrated that it is incapable of managing such complex projects.”

Jay Coghlan of Nuclear Watch New Mexico concluded, “We need to find smart ways to face the world’s renewed nuclear arms race. Unnecessary expanded production of questionable plutonium bomb cores is not the way to do it. Instead of aggressively modifying nuclear weapons the U.S. should carefully preserve its existing, reliable, extensively tested nuclear weapons stockpile while working toward a future world free of them. It’s that kind of analysis and consideration of credible alternatives that the National Environmental Policy Act should give Americans instead of the nuclear weaponeers rubber stamping their self-interested agenda of nukes forever at the taxpayer’s expense.”

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NNSA’s Federal Register Notice of Availability of Final Supplement Analysis, Jan.8:

<https://www.govinfo.gov/content/pkg/FR-2020-01-08/pdf/2020-00102.pdf>

Final Supplement Analysis:

<https://www.energy.gov/sites/prod/files/2020/01/f70/final-supplement-analysis-eis-0236-s4-sa-02-complex-transformation-12-2019.pdf>

1998 court order requires DOE to prepare a supplemental PEIS when it plans to produce more than 80 pits/year: <https://law.justia.com/cases/federal/district-courts/FSupp2/20/45/2423390/>

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