



**SOUTH CAROLINA  
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*Our Mission We use our legal expertise to protect land, water and communities across South Carolina.*

July 6, 2026

**VIA US MAIL**

The Honorable Christopher Wright  
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The Honorable Brandon Williams  
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Dear Secretary Wright, Administrator Williams, Ms. Dors and Ms. Fortiner:

I am writing on behalf on of my clients Savannah River Site Watch, Tri-Valley Communities Against a Radioactive Environment, and Nuclear Watch New Mexico. You may be aware of our lawsuit under the National Environmental Policy Act (NEPA) that resulted in the National Nuclear Security Administration (NNSA) undertaking the Plutonium Pit Production Programmatic Environmental Impact Statement DOE/EIS-0573 (PEIS). NNSA has released a draft PEIS for which the public comment period expires on July 16, 2026.

Given the impending expiration of the comment period, we believe that NNSA has failed to address scientific and programmatic information and analyses in its possession that are directly relevant to certain issues the PEIS purports to evaluate. It is also believed that NNSA has withheld certain crucial scientific and programmatic information from the public which would inform comments. Specifically, the documents and information in question include the following

- 1) The new JASON plutonium pit life study, entitled “Plutonium Aging: Executive Summary (Unclassified)”, document # JSR-25-03ESU.<sup>1</sup> Upon current knowledge, information and belief, NNSA has had possession, custody or control of that document since the end of 2025.
- 2) The United States Department of Energy’s (DOE) “special study” on NNSA leadership and management of its plutonium pit production program that was to be completed by mid-December 2025.<sup>2</sup>
- 3) The Los Alamos National Laboratory’s (LANL’s) new Probabilistic Seismic Hazard Analysis which was completed at least earlier this year if not earlier.

## **I. The JASON Pit Life Study**

The first source of information in question is the new JASON plutonium pit life study with a relevant portion believed to be entitled “Plutonium Aging: Executive Summary (Unclassified)”, document # JSR-25-03ESU. We have reason to believe that NNSA has had possession of this document since the end of 2025.

NNSA has a long history of offering concerns regarding potential plutonium pit aging as a fundamental rationale for increasing plutonium pit production. The draft PEIS invokes the issue

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<sup>1</sup> The title and document number are provided for ease of reference upon current knowledge, information and belief. It is understood that the actual document encompasses more than the purportedly unclassified executive summary. The essential point is there is a plutonium pit aging study authored by JASON within the past year to two years that contains information relevant to the plutonium pit aging topic.

<sup>2</sup> “Special Study of the National Nuclear Security Administration’s (NNSA’s) Leadership and Management of the Plutonium Pit Mission,” ordered by DOE Deputy Secretary James Danly on August 11, 2025, <https://nukewatch.org/wp-content/uploads/2026/01/DOE-Special-Study-NNSA-Leadership-Mgmt-Plutonium-Pit-Production-Mission-Ltr-11Aug2025.pdf>

as a justification and employs it to discount a potential alternative as well. In particular, the draft PEIS provides as follows:

- “NNSA’s existing pit manufacturing capability is insufficient to meet current production requirements, necessitating the establishment of additional pit production capability and capacity both to satisfy the congressional mandate and to mitigate risks associated with plutonium aging.” (DOE/EIS-0573 at p. S-2)
- “Building the manufacturing capacity to produce at least 80 [pits per year] before the end of the decade is essential to maintaining a reliable nuclear deterrence. Many of the aging pits will have to be replaced with new ones in the coming years to maintain a safe and reliable nuclear stockpile and deterrence.” (Id. at p. 1-3)
- “In 2020, NNSA provided Congress with the findings, observations, and recommendations of the JASON Defense Advisory Group Phase One report, *Pit Aging* (JASON 2019). In that report, JASON urged ‘that pit manufacturing be re-established as expeditiously as possible in parallel with the focused program to understand Pu [plutonium] aging, to mitigate potential risks posed by Pu aging on the stockpile.’” (Id. at p. 1-3)
- “NNSA currently stages most plutonium pits at Pantex. Like the pits in the active stockpile, those pits are aging and this alternative would not mitigate plutonium aging risks or enable NNSA to implement enhanced safety features to pits to meet NNSA and DOW requirements.” (Id. at p. 2-27)

In addition to confirming the relevance of the information at issue, including the rejection of the “Only Reuse Existing Pits” alternative, these quotes are noteworthy because NNSA selectively references the 2019 JASON study, which the authors recognized was not a full and complete pit life study.<sup>3</sup> Since NNSA did not give the authors sufficient time, JASON characterized its truncated effort as a “letter report” and listed the criteria by which a new and full pit life study should be done, which would be Phase 2. That second phase has now reportedly been completed but no portion of the report has been released even though it may have been received by NNSA in 2025. If NNSA is deliberately refusing to address this report in the draft PEIS and also suppressing its disclosure during the public comment period on the draft, such conduct would be improper and violative of NEPA.

Of further significance, perhaps demonstrating a pattern of ignoring unfavorable information, the draft PEIS omits any reference to the 2006 JASON Pit Life Study. That full study found that most pit types have minimum lives of more than 100 years and those that do not have clear fixes<sup>4</sup> (pits

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<sup>3</sup> See “Letter Report,” JASON, November 2019, <https://irp.fas.org/agency/dod/jason/pit-aging.pdf>

<sup>4</sup> Pit Lifetime, JSR-06-335, JASON, 2006, <https://nukewatch.org/wp-content/uploads/2023/05/pit.pdf>

now average ~43 years old). The draft PEIS also omits any reference to a 2012 Lawrence Livermore National Laboratory study that reaffirmed that plutonium is “aging gracefully.”<sup>5</sup>

As you may be aware, a federal judge found that NNSA had violated NEPA by not authoring a PEIS to address pit production to begin with. NNSA would further violate NEPA were it to fail to consider and address this information in the current PEIS. “An agency’s hard look [under NEPA] should include neither researching in a cursory manner nor sweeping negative evidence under the rug.” *Nat’l Audubon Society v. Dep’t of Navy*, 422 F.3d 174, 194 (4th Cir. 2005). NEPA also requires that the public have access to information directly relevant to the draft PEIS during the public comment period. *See e.g., Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349, 109 S. Ct. 1835, 1845, 104 L.Ed.2d 351 (1989) (“Publication of an EIS, both in draft and final form, also serves a larger informational role. It gives the public the assurance that the agency ‘has indeed considered environmental concerns in its decisionmaking process,’ [] and perhaps more significantly, provides a springboard for public comment”) (citations omitted).

We acknowledge that some portions of the materials in question may be classified and not subject to disclosure. The current DOE NEPA Implementing Procedures contemplate a similar scenario and provide that “[t]o the fullest extent possible, DOE will segregate any information that is exempt from disclosure requirements into an appendix to allow public review of the remainder of the NEPA document.” Sec. 4.1(b) at p. 19. The section also provides that if the material cannot be segregated or would result in the disclosure of “meaningless material,” DOE is still obligated to “prepare the NEPA document and use it in DOE decision-making.” *Id.* at Sec. 4.1(c). Given the history of the prior JASON study and report, and references to them in past NEPA analyses, it seems probable that a substantive portion of the document is capable of being segregated and released to the public. In fact, it appears that an unclassified summary of the report already exists. The unclassified portion of the document should be released immediately.

On June 15, 2026, my client Nuclear Watch New Mexico filed a Freedom of Information Act (FOIA) request and requested expedition precisely because of the pending closure of the PEIS comment period. On July 3, 2026, Nuclear Watch New Mexico received a response from NNSA dated June 23, 2026, which denied the request for expedition and gave no indication when the unclassified summary of the Pit Life Study might be released.

## **II. DOE’s “Special Study” on NNSA leadership and management of its plutonium pit production program**

On August 11, 2025, DOE Deputy Secretary James P. Danly ordered the Office of Enterprise Assessments “to conduct a special study of NNSA’s leadership and management of the plutonium pit production mission and its associated projects at LANL and SRS.” He ordered it completed within 120 days which placed its completion date around mid-December 2025.

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<sup>5</sup> Plutonium at 150 Years: Going Strong and Aging Gracefully, Lawrence Livermore National Laboratory, 2012, <https://www.llnl.gov/sites/www/files/2020-05/pu150-str-dec-12.pdf>

The program to establish plutonium pit production at SRS has already experienced dramatically escalating costs and delays of at least five years. The contractor “re-missioning” the failed MOX Fuel Fabrication Facility into the Savannah River Plutonium Processing Facility (SRPPF) received poor marks in NNSA’s FY 2025 Performance Evaluation Report. NNSA has subsequently put the contract out for bid, which creates more uncertainty about the schedule.

Senator Elizabeth Warren and Representative John Garamendi submitted detailed questions to DOE, requesting answers by January 9, 2026.<sup>6</sup> Among those questions was a request to release the special study, if completed. To our knowledge, DOE has not replied to Senator Warren and Representative Garamendi.

As Senator Warren and Representative Garamendi wrote in their December 16, 2025 letter as follows:

In August, the Department of Energy (DOE) issued a memorandum launching a special study into NNSA’s ‘leadership and management of the plutonium pit production mission.’ If properly conducted, this study should find that years of mismanagement have put billions of taxpayer dollars at risk with an unrealistic pit production schedule and goals. Simultaneously, NNSA is waiting for a pit aging study by JASON that may call into question the wisdom of the current pit production program. We urge you to seriously review the need for and scope of the program, as well as pause planned production at the secondary Savannah River site until NNSA has established basic programmatic guardrails to prevent additional waste.

The concerns this “Special Study” purport to address should be considered and disclosed as part of the PEIS analysis. The PEIS’s Preferred Alternative is the “Multi-Site Alternative” with simultaneous plutonium pit production at LANL and SRS.<sup>7</sup> The overall feasibility of pit production at SRS given potential cost, construction and management issues is relevant to the evaluation of the overall feasibility of any alternative that calls for any amount of pit production at that site. When discussing the preferred alternative, the PEIS notes that while NNSA “prepares cost, schedule, and technical analyses separately” those factors will be considered “in preparation of [the] ROD.” DOE/EIS-0573 at p. 2-41. Information about those factors is believed to be contained in this “Special Study” and should be considered in the PEIS itself and shared with the public so that it may inform comments.

On December 22, 2025, my client Nuclear Watch New Mexico filed a FOIA request for the “Special Study.” On April 3, 2026, Nuclear Watch New Mexico requested that it be expedited. On

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<sup>6</sup> Joint letter to DOE Secretary Christopher Wright from Senator Elizabeth Warren and Representative John Garamendi, December 16, 2025, [https://www.warren.senate.gov/wp-content/uploads/media/doc/letter\\_to\\_doe\\_nnsa\\_re\\_pit\\_production\\_mismanagement.pdf](https://www.warren.senate.gov/wp-content/uploads/media/doc/letter_to_doe_nnsa_re_pit_production_mismanagement.pdf)

<sup>7</sup> DOE/EIS-0573, NNSA, April 2026, p. 2-4, <https://www.energy.gov/nepa/articles/doeeis-0573-draft-environmental-impact-statement-april-2026>

April 6, 2026, DOE denied the request for expedition and gave no indication when the special study might be released. There have been no further responses from DOE since then.

### III. LANL's New Probabilistic Seismic Hazard Analysis

DOE Order 420.1C (*Facility Safety*) requires that all Management and Operating (M&O) contractors review and, if necessary, update the site-specific seismic hazard assessments at least every 10 years. This has potentially serious impacts because federal regulations require that if a new or updated PSHA demonstrates that the seismic hazard has increased beyond the existing facility design basis, LANL must trigger the Unreviewed Safety Question process. *See* 10 C.F.R. §§ 830.203, 830.204. This requires an evaluation of whether the existing Documented Safety Analysis (DSA) remains bounding and whether mitigation measures are necessary.

The pertinent section of the draft PEIS states as follows:

As the ongoing and future upgrades to modernize and extend the life of PF-4 are completed, PF-4 will continue to effectively conduct mission-related operations safely and securely into the foreseeable future (NNSA 2019). The Defense Nuclear Facilities Safety Board (DNFSB) has been engaged with NNSA on seismic safety of PF-4 since the Laboratory first identified elevated potential seismic hazards in 2009. In an August 2023 letter, DNFSB acknowledged that the Laboratory completed a probabilistic risk analysis and concluded that the seismic safety risk of PF-4 is acceptable. DNFSB found that NNSA's conclusion was technically defensible and that the accompanying peer review process was robust (DNFSB 2023). DOE/NNSA is updating the site-specific probabilistic seismic hazard analysis, which is expected to be released in early 2026.<sup>8</sup>

The draft PEIS was released in April 2026. It is now July of 2026 and the public comment period for the draft PEIS expires on July 16. Yet the updated LANL Probabilistic Seismic Hazard Analysis, which the DNFSB confirmed has been concluded and approved for several months, has not been publicly released.<sup>9</sup> Even the earlier analysis conducted prior to August 2023 referenced in the draft PEIS has not, upon current belief, been produced. Assessing seismic hazards and attendant risks at a proposed pit production site that is the preferred alternative with the most recent information is necessary for the hard look at potential environmental consequences under NEPA the PEIS is supposed to afford. NEPA also mandates that the public have access to this recent

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<sup>8</sup> DOE/EIS-0573, NNSA, April 2026, p. 2-13, <https://www.energy.gov/nepa/articles/doeeis-0573-draft-environmental-impact-statement-april-2026>

<sup>9</sup> Los Alamos National Laboratory Resident Inspectors Activity Report for Week Ending May 22, 2026, DNFSB, <https://www.dnfsb.gov/sites/default/files/2026-06/Los%20Alamos%20Week%20Ending%20May%202022%202026.pdf>. Of note concerning its on-the-ground relevance to NNSA implementing its Expanded Operations Alternative at LANL: "Ground motion is an important input for evaluating facility and equipment response to design-basis seismic events. The contractor plans to incorporate the results of the new PSHA into site engineering and safety-basis documents."

information to inform meaningful comments prior to the expiration of the draft PEIS public comment period.

## VI. Conclusion

We request that the unclassified executive summary of the new JASON pit life study, DOE's "special study" of its plutonium pit production program, and the most recent LANL Probabilistic Seismic Hazard Analysis inform and be considered in the PEIS. We also request the immediate release of the unclassified executive summary of the new JASON pit life study, DOE's "special study" of its plutonium pit production program, and the most recent LANL Probabilistic Seismic Hazard Analysis so that public comment can be properly informed by the information contained in these documents. In order to make the release meaningful for public comment, we insist that the deadline for the public comment period for the draft PEIS be extended by thirty (30) days from the date that NNSA publicly releases these documents or, if not released simultaneously, then the comment period be extended by thirty (30) days from the date the last document is released to the public.

It is imperative that you respond before the public comment period expires on July 16 and preferably within seven (7) days of electronic receipt.

Thank you in advance for your prompt attention to this matter and request.

Sincerely,



Benjamin D. Cunningham

cc:

Tom Clements, Savannah River Site Watch  
Scott Yundt and Tanvi Kardile, Tri-Valley CAREs  
Jay Coghlan and Sophie Stroud, Nuclear Watch New Mexico