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Noted Environmental Lawyers Warn Government Not to Expand Production of Plutonium Bomb Cores in Violation of National Environmental Policy Act and Public Review

On behalf of three public interest organizations - Nuclear Watch New Mexico, Tri-Valley Communities Against a Radioactive Environment and Savannah River Site Watch – attorneys for the law firm of Meyer Glitzenstein & Eubanks and the Natural Resources Defense Council recently sent a 16-page letter to Lisa Gordon-Hagerty, head of the National Nuclear Security Administration (NNSA). The detailed letter warns the nuclear agency to not proceed with aggressive plans to expand plutonium pit production without first meeting its legal requirements for timely public review and comment under the National Environmental Policy Act.

The three nuclear watchdog groups met with members of Congress and key committees to discuss the pit production issue at the national Alliance for Nuclear Accountability DC Days in mid-May. Nearly 70 activists from a dozen states hosting nuclear weapons sites held more than 90 meetings with members of Congress and executive branch offices during the 3-day event.

Plutonium pits are the fissile cores or “triggers” of modern thermonuclear weapons. The NNSA and Defense Department jointly announced last year that production would quadruple from its currently authorized limit of 20 pits annually to at least at least 30 pits per year at the Los Alamos National Laboratory (LANL) and at least 50 additional pits per year at the Savannah River Site (SRS) in South Carolina for a total of 80 or more. At LANL, pit production has been plagued with chronic nuclear safety problems spanning a decade. At SRS, plutonium pit production would be an entirely new mission. NNSA plans to “repurpose” the partially constructed Mixed Oxide Fuel Fabrication Facility at SRS that suffered massive cost overruns before the program was canceled.

The National Environmental Policy Act (NEPA) requires that federal agencies undertake a thoroughgoing environmental analysis of major projects. Moreover, federal proposals requiring implementation over broad geographic areas and long time frames, such as expanded pit production at multiple sites, must be analyzed in a programmatic environmental impact statement (PEIS). Therefore, the attorneys’ letter concludes

“... taking a hard look at the expansion of plutonium pit production at LANL and the repurposing of the MOX Facility at SRS, and considering alternatives to this proposed plan, is precisely what NEPA requires. And because NEPA mandates that agencies undertake the NEPA process as early as possible in order to promote informed decision-making, DOE and NNSA must undertake a PEIS as soon as possible.

Until DOE and NNSA fully comply with NEPA through the preparation of a PEIS, any irreversible or irretrievable commitment of resources to either the expansion of pit production at LANL or to the repurposing of the MOX Facility at SRS is unlawful. Accordingly, we request that DOE and NNSA respond to this letter within 30 days to explain when the agencies intend to undertake the required PEIS for the expansion of plutonium pit production at LANL and the repurposing of the MOX Facility for plutonium pit production at SRS.”

Accordingly, Nuclear Watch New Mexico, Tri-Valley Communities Against a Radioactive Environment and Savannah River Site Watch expect a response in the coming weeks detailing how the Energy Department and its semi-autonomous NNSA plan to meet their obligations. Should they fail to respond, the three organizations will consider concrete next steps available through both the law and the congressional appropriations process. The nuclear watchdogs vow to slow the government’s rush to expand plutonium pit production while violating the public’s right to analyze its environmental impacts and participate in public hearings and decision-making pursuant to NEPA.

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On June 14, the three groups are sponsoring a public forum in Aiken, South Carolina - near the Savannah River Site - on NNSA’s pit production plans. The forum will be held in the Aiken Municipal Building auditorium from 7 p.m. to 9 p.m. and the NEPA issue and lack of justification for expanded pit production will be discussed in detail. For more information, see media advisory by the three groups: http://www.srswatch.org/uploads/2/7/5/8/27584045/pit_fourm_media_advisory_may_13_2019.pdf

The attorneys’ letter to NNSA Administrator Lisa E. Gordon-Hagerty is available from the nuclear watchdog organizations. You will find it on the Nuclear Watch New Mexico website at <https://nukewatch.org/newsite/wp-content/uploads/2019/05/Summary-Pit-Production.pdf> and on the Tri-Valley CAREs website at <https://www.trivalleycares.org/new/5-17-19-Letter-Groups-Demand-NEPA-for-Pu-Pit-Production.pdf>