

**South Carolina Environmental Law Project  
Gullah/Geechee Sea Island Coalition  
Nuclear Watch New Mexico  
Savannah River Site Watch  
Tri-Valley CAREs**

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**Lawsuit Compels Nationwide Public Review of Plutonium Bomb Core Production**

AIKEN, S.C. — Today the National Nuclear Security Administration (NNSA), the semi-autonomous nuclear weapons agency within the Department of Energy, published a formal Notice of Intent in the Federal Register to complete a nationwide “programmatic environmental impact statement” on the expanded production of plutonium “pit” bomb cores. Pits are the essential radioactive triggers of modern nuclear weapons. The NNSA is aggressively seeking their expanded production for new-design nuclear weapons for the new nuclear arms race.

The South Carolina Environmental Law Project (SCELPE) successfully represented the Gullah/Geechee Sea Island Coalition and Nuclear Watch New Mexico, Savannah River Site Watch and Tri-Valley Communities Against a Radioactive Environment in a legal challenge to NNSA’s attempt to improperly jump start dual site pit production. On September 30, 2024, United States District Court Judge Mary Geiger Lewis ruled that the NNSA had violated the National Environmental Policy Act (NEPA) by failing to properly consider alternatives before proceeding with its plan to 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.

The Court found that NNSA’s plans for pit production had fundamentally changed from its earlier analyses which had not considered simultaneous pit production at two sites. Co-plaintiffs argued that these changes required a reevaluation of alternatives under NEPA, which Defendants failed to undertake prior to moving forward and spending tens of billions of taxpayers’ dollars.

As a result of this ruling and a subsequent settlement, the Defendants are now required to newly analyze pit production at a nationwide programmatic level. This means undertaking a thorough analysis of the impacts of pit production at NNSA sites throughout the United States, including the generation of new radioactive wastes and their uncertain future disposal. Under NEPA, this will provide the opportunity for public scrutiny on NNSA’s aggressive production plans. In addition, NNSA is enjoined from building certain facilities and introducing nuclear materials to the plutonium pit plant at SRS until it completes the PEIS.

Virtual public hearings to determine the needed scope of the programmatic environmental impact statement are scheduled for May 27 and 28. The public comment period for scoping ends July 14 and can be emailed to [PitPEIS@nnsa.doe.gov](mailto:PitPEIS@nnsa.doe.gov). NNSA expects to complete its draft PEIS within a year, after which in-person public hearings will be held in Livermore, CA; Santa Fe, NM; Kansas City, MO; Aiken, SC; and Washington, DC.

As an indicator of the potential importance of this PEIS process, SCEL P and co-plaintiffs have been asked by the Nobel Peace Prize Center in Oslo, Norway, to present (by video) on “how it is possible to do activism inside the court room” on August 6, the 80<sup>th</sup> anniversary of the Hiroshima atomic bombing. Also, in recognition of its astute legal strategy, SCEL P will be receiving an award from the Alliance for Nuclear Accountability comprised of some three dozen public interest organizations (including three of the lawsuit’s co-plaintiff) at a ceremony in Washington, DC, on June 10th.

As background, plutonium pits are the fissile cores of nuclear weapons. The Los Alamos Lab was assigned a mission of limited pit production after a 1989 FBI raid investigating environmental crimes abruptly stopped production at the notorious Rocky Flats Plant near Denver, CO. In 2018 the NNSA decided to pursue pit production at both LANL and SRS. The agency erroneously claimed that an outdated 2008 programmatic environmental impact statement that did not consider simultaneous production was sufficient legal justification under the National Environmental Policy Act.

No future pit production is to maintain the safety and reliability of the existing, extensively tested nuclear weapons stockpile. Instead, future production is only for speculative new-design nuclear weapons that can’t be tested because of an international testing moratorium, thereby perhaps eroding confidence in stockpile reliability. Or, instead, the first new design nuclear weapons since the end of the Cold War could prompt the U.S. to return to full-scale testing, which would have severe national and international consequences.

Independent experts have found that plutonium pits have reliable lifetimes of at least 100 years (their average age is now around 42). Moreover, at least 15,000 pits are already stored at the NNSA’s Pantex Plant near Amarillo, TX. Expanded plutonium pit production will cost taxpayers more than \$60 billion over the next thirty years.

The independent Government Accountability Office (GAO) has repeatedly pointed that the NNSA has no credible cost estimates for its largest and most complex program ever, nor an “Integrated Master Schedule” between the two production sites. Further, the Department of Energy and the NNSA have been on the GAO’s “High Risk List” for project mismanagement and waste of taxpayers’ money since 1991. All of these issues and the basic need or not for expanded plutonium pit production are ripe for analysis and public comment in the now required programmatic environmental impact statement.

Ben Cunningham, SCEL P’s lead attorney in this case, declared the following: “We implore the public to participate fully in the PEIS process—from attending the scoping hearings to commenting on the draft PEIS. The vast expansion of the nuclear arsenal that is facilitated by the increase in pit production will be exorbitantly expensive, will create radioactive wastes that can last for thousands of years, and the new weapons produced by this expansion could ultimately endanger hundreds of millions of lives. Please weigh in and express your concerns to the decisionmakers.”

Queen Quet, elected Chieftess of the Gullah/Geechee Nation, said: "I am thankful to SCEL P and the rest of our national team that stood together to ensure that we protect our communities not only today but also for future generations. The type of compliance that we have fought for is even more crucial given the current environmental and political climate. I am looking forward to us being able to engage in the next phase of this process so that we can ensure that the waters that reach the Sea Islands will be safe."

Tom Clements, director of Savannah River Site Watch, noted, “Given that we are armed with a decisive federal court ruling that requires the preparation of the PEIS by NNSA, we expect a thorough examination of all environmental and health impacts of pit production at all impacted sites. The draft PEIS must include an analysis of plutonium aging and pit reuse, the proliferation risks of new U.S. warheads, plans for plutonium transportation and the uncertain future disposal of plutonium wastes in the Waste Isolation Pilot Plant in southern New Mexico.”

“Prior to our lawsuit, the agency failed to include other sites involved in future plutonium pit production in its required analyses, chief among them the Lawrence Livermore Lab in California, the Kansas City Plant in Missouri, and the Waste Isolation Pilot Plant. The judge clearly saw these violations and ordered the NNSA to complete the programmatic nationwide analysis which should have been done from the outset. This is a victory for public involvement. It will hopefully result in credible alternatives that are more protective of the environment and the impacted communities,” said Scott Yundt, Executive Director at Tri-Valley CAREs, in Livermore, CA.

Jay Coghlan of Nuclear Watch New Mexico commented, “This programmatic environmental impact statement that we fought long and hard for empowers citizens to tell policy makers what they think about decisions being made in their name. Let them know what you think about the \$2 trillion ‘modernization’ program to keep nuclear weapons forever while domestic programs are gutted to pay for tax cuts for the rich. We should demand that this required process under the National Environmental Policy Act becomes a public referendum on the new nuclear arms race and the hollowing out of our society.”

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An official preview of NNSA’s Notice of Intent is available at <https://public-inspection.federalregister.gov/2025-08140.pdf> It states that the final Notice of Intent is scheduled to be published in the Federal Register on May 9, 2025, available at <https://federalregister.gov/d/2025-08140>

This press release is available at <https://nukewatch.org/lawsuit-compels-nationwide-public-review-of-plutonium-bomb-core-production>

*The South Carolina Environmental Law Project is a nonprofit public interest law firm. We use our legal expertise to protect land, water and communities across South Carolina. Learn more at [www.scelp.org](http://www.scelp.org).*

*Savannah River Site Watch, a non-profit public interest organization in Columbia, South Carolina, monitors nuclear weapons production and clean-up activities at SRS. <https://srswatch.org/>.*

*Through comprehensive research, public education and effective citizen action, Nuclear Watch New Mexico seeks to promote safety and environmental protection at regional nuclear facilities; mission diversification away from nuclear weapons programs; greater accountability and cleanup in the nationwide nuclear weapons complex; and consistent U.S. leadership toward a world free of nuclear weapons. <https://nukewatch.org/>.*

*Tri-Valley CAREs (Communities Against a Radioactive Environment) is a 501(C)3 non-profit in Livermore, CA that monitors the activities of Lawrence Livermore National Laboratory, one of two locations that develops all US nuclear bombs and warheads. Learn more at [www.trivalleycares.org](http://www.trivalleycares.org).*

*The Gullah/Geechee Sea Island Coalition advocates for the human, land and water rights of all Gullah/Geechee people around the world; promotes and participates in the preservation of Gullah/Geechee history, heritage, culture, and language; works toward Sea Island land re-acquisition and maintenance; and celebrates Gullah/Geechee culture through artistic and educational means electronically and via “grassroots scholarship.” <https://gullahgeecheenation.com/>.*