

# Tri-Valley CAREs

Communities Against a Radioactive Environment

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## GOVERNMENT INCREASES PLUTONIUM AT LIVERMORE LAB:

### Decision Made “In the Dark,” Circumventing Public Environmental Review Process; Must be Retracted, Says Watchdog Group

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Livermore, CA – Late last week, the Lawrence Livermore National Laboratory and the National Nuclear Security Administration (NNSA) quietly posted a simultaneous [Record of Decision](#) (ROD) and [Final Environmental Impact Statement](#) (EIS) approving “Enhanced Plutonium Utilization” at the Lab, located in the San Francisco East Bay and one of two locations that designs all U.S. nuclear warheads and bombs. No draft EIS was ever publicly circulated and no public hearing on the draft plan occurred.

The Final EIS and ROD, effective immediately, “green light” the most significant changes in plutonium work at Livermore Lab since 2008, when the Lab failed a force-on-force security drill and was compelled to downsize its plutonium usage, storage and transportation by 2012.

Now, eighteen years later, the EIS and ROD reveal a major increase in plutonium work at the Lab. All figures in the EIS and ROD are compared to the Livermore Lab’s present-day activities. Thus, the risks already associated with these activities will rise commensurately. Figures are annual. The new decision codifies that:

- There will be an **180% increase** in the number of plutonium shipments into and out of Livermore Lab;
- There will be a **400% increase** in transuranic nuclear waste (which designates a higher concentration of plutonium than “low level” plutonium-contaminated waste);
- There will be a **20% increase** in “low level” radioactive waste generated at the Lab;
- There will be a **6.6% increase** in the dose to transportation crews;
- There will be a **21% increase** in latent cancer fatalities in the populations along the transportation routes; and,
- There will be a **27% increase** in the collective worker dose from radiological emissions.

Further, the EIS and the ROD raise the amount of plutonium “throughput” at Livermore Lab by increasing its current status as a “Security Category III” facility, able to use small quantities of plutonium at work stations to a “Security Category II” facility, able to use larger quantities. The

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EIS notes that the government conducted a “Conceptual Security Vulnerability Assessment to determine mitigative features... but it is not publicly releasable.”

**Scott Yundt** is the Executive Director at the Livermore-based Tri-Valley Communities Against a Radioactive Environment, or Tri-Valley CAREs, and is an environmental attorney. Scott said, “It is unconscionable that the government is imposing serious, potentially devastating harms on its workers, the public, and the environment, all without a thoroughgoing and transparent process. Indeed, we never had any chance to review the plan while it was in draft form so that we could recommend changes in advance of the government’s final decision. Similarly, the public was deprived of the chance to propose safer alternatives. Instead, we are all faced with a dangerous fait accompli.”

**Marylia Kelley**, Tri-Valley CAREs’ Senior Advisor, who led the group in 2008 and obtained details of the failed force-on-force security test conducted by the Department of Energy Headquarters experts, noted: “The Lab failed an actual security drill and lost its ‘Security Category I/II’ status. The results of that drill were publicly released after Tri-Valley CAREs called for that. Now the government reinstated ‘Cat II’ to increase Livermore Lab’s plutonium on the basis of a ‘conceptual’ exercise that is ‘not publicly releasable’. That’s unacceptable. The public has no way of knowing how cursory the exercise may have been. Nor do we know what measures may have been adopted. Further, a table top exercise is no substitute for a force-on-force test. As a Livermore resident, there is nothing about this that makes me feel safe.”

### **Relevant Background and the Law**

In 2024, the government finalized a Site-Wide Environmental Impact Statement for Livermore Lab operations after a year-long public process, including a draft document and public hearings. Tri-Valley CAREs asked about possible plutonium increases and the final document promised that no additional plutonium was needed to accomplish its planned activities over the coming 15-years, which is the planning horizon for a Site Wide EIS.

Here, it is notable that this new, May 2026, Final EIS for “Enhanced Plutonium Utilization” reveals that internal discussions to increase plutonium at the Lab were actually underway while the Site-Wide was still being completed. **Marylia Kelley** said, “We were lied to in 2024.”

In early 2025, the government published a notice in the Federal Register for “Enhanced Plutonium Facility Utilization” at Livermore Lab to include a “Draft Supplemental Environmental Impact Statement” (note the word “Draft”). While the notice allowed for “public scoping comments,” those comments were limited to making suggestions on the scope of the Draft that was to be completed and circulated. The notice itself contained no details of the plan – that was to happen in the draft document. Further, the notice stated that one or more public hearings and a written comment period would be held.

On his first day in office, Donald Trump issued [Executive Order 14154](#) “Unleashing American Energy” intended to speed the time for energy projects to become implemented. The order instructed the White House Council on Environmental Quality (CEQ) to provide new implementation guidelines for those projects. President Trump also rescinded a Carter-era executive order, and the CEQ circulated a template that suggested making draft EIS’s and public

hearings on drafts optional, but then said the **“template is not a regulation, does not carry the force and effect of law, and is not intended to bind the public or any federal agency.”**

**Scott Yundt** stated: “Livermore Lab and the NNSA jumped on the chance to exclude public comment, however thin the legal reed, and revised its longstanding National Environmental Policy Act procedures in July 2025 to forgo drafts. Then, in November 2025, NNSA retroactively applied the rule change to the promised draft EIS and public hearing for ‘Enhanced Plutonium Utilization’. The plan to increase plutonium at Livermore Lab is not an energy project to be unleashed,” said Scott. “Nor is the curtailment mid-process of public input in a draft document legally mandated.”

**Scott continued**, “Tri-Valley CAREs and hundreds of members of the public submitted scoping comments on ‘Enhanced Plutonium Utilization’. We expected an extensive Draft EIS and planned further comment on its analysis, proposed action, and alternatives. Instead, an elective - and total - cone of silence descended, leaving us all in the dark. This is not only wrong, it is dangerous, and mirrors the decades past when agency secrecy led to many accidents, spills and releases from Livermore Lab, causing it to be placed on the EPA’s Superfund list of most contaminated sites in the nation in 1987.”

### **Tri-Valley CAREs’ Demand**

**Tri-Valley CAREs**, on behalf of its more than 6,000 members, demands that the National Nuclear Security Administration and its Livermore Lab immediately withdraw its Final EIS and Record of Decision and undertake instead one of the following two actions:

One, withdraw the “Enhanced Plutonium Utilization” program and proceed with the current status quo, as a measure to “enhance” worker and public safety, not deadly plutonium. Or,

Two, withdraw the Final EIS and ROD, consider the May 21, 2026 document as a draft EIS, and commence the public comment period with a public hearing.

**Scott Yundt** concluded, “Recently Tri-Valley CAREs and allied groups successfully sued the government to force a Programmatic Environmental Impact Statement process and public hearings on the NNSA’s plans to produce new plutonium pits (bomb cores) for new nuclear warheads, including the W87-1 under development at Livermore Lab. In fact, Livermore Lab’s role in providing support for pit production was a factor in our winning the litigation. Now that we see the detailed plan in the Final EIS and ROD for ‘Enhanced Plutonium Utilization’ at the Lab, we will conduct a review of litigation options in this instance as well.”

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