

# Tri-Valley CAREs

Communities Against a Radioactive Environment

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*Peace Justice Environment  
since 1983*

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Submitted via email to: [PitPEIS@nnsa.doe.gov](mailto:PitPEIS@nnsa.doe.gov)

**To: Ms. Jade Fortiner, NEPA Document Manager**

**National Nuclear Security Administration, Office of Pit Production Modernization**

**Re: DOE/EIS-0573 Tri-Valley Communities Against a Radioactive Environment's  
Comment on the Draft Programmatic Environmental Impact Statement for Plutonium Pit  
Production**

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Tri-Valley Communities Against a Radioactive Environment (CAREs) is a non-profit organization founded in 1983 by Livermore, California area residents to research and conduct public education and advocacy regarding the potential environmental, health, and proliferation impacts of the Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL or Livermore Lab) and the nuclear weapons complex, of which Livermore Lab is a part. The organization is also one of the plaintiff organizations that filed and litigated the case in federal court in South Carolina that resulted in the settlement agreement which required that this Programmatic Environmental Impact Statement (PEIS) for Plutonium Pit Production be prepared. On behalf of our 6,400+ members, Tri-Valley CAREs submits the following comments on the Draft of the National Nuclear Security Administration's (NNSA) PEIS for Plutonium Pit Production.

## **I. The Draft PEIS Fails to Adequately Analyze the Environmental Impacts of Plutonium Pit Support Work at Livermore Lab**

Tri-Valley CAREs specifically asked in its July 14, 2025 "scoping" comment that the NNSA include a detailed description of LLNL's involvement in plutonium pit production in the Draft PEIS. As stated in that comment:

"The proposed action, to produce new plutonium pits at a rate up to 80 per year, involves multiple sites across the nation and the PEIS must analyze the potential environmental and health impacts at all of those sites, as required by NEPA, including LLNL (where plutonium pit support work has thus far gone unanalyzed in violation of NEPA). LLNL

has already been deeply involved in the agency's effort to produce new plutonium pits for 5+ years. The NNSA budget has provided for *Enterprise Plutonium Pit Production Support/Plutonium Modernization* work at LLNL since at least 2019, with LLNL receiving \$367,788,000 for this budget line item between 2019-2025. That funding is now increasing rapidly, with \$82.86 million budgeted in Fiscal Year (FY) 2025 and \$98.96 million requested for FY 2026, a nearly 20% increase in one year. Additionally, LLNL is the lead lab in charge of designing the W87-1 warhead for the new Sentinel Intercontinental Ballistic Missile (ICBM), and received \$1.126 billion in funding for W87-1 development between 2020-2025. A portion of that funding went to the development of the warhead's new plutonium pit. As currently planned, LLNL opted to not reuse the existing W87-0 plutonium pits that sit on the Minuteman III ICBM's, instead altering the pit design to the extent that more than 450 new pits need to be manufactured in order to achieve the Agency goal of 450 certified war reserve pits (planned for production at Los Alamos). LLNL's new W87-1's plutonium pit is a major driver of the plutonium pit production plan being analyzed in the PEIS. Thus this relationship must be detailed in the PEIS, alongside a full analysis of reasonable alternatives including pit reuse. Further, new plutonium glove boxes were recently funded at LLNL that are expressly to support "expanded plutonium pit production."

Since the July 2025 scoping comment, the FY2027 budget request for NNSA was released asking Congress to authorize an additional \$166,696,000 for "Enterprise Plutonium Pit Production Support" to LLNL. This more than 100% increase year over year in funding for plutonium pit support work exemplifies that work is already underway at LLNL that is essential to the development of new plutonium pit production, which is reflected in NNSA budget documents as supporting the new nuclear warhead development that LLNL leads.

Further, the NNSA's FY 2027 budget request notes that Enterprise Pit Production Support is for "Modernization of equipment at LLNL needed for continued support for pit production and certification." Further it states, "issuance of a vendor contract to stand up a new capability for production of special materials management of the plutonium pit Production Realization Team (PRT) at LLNL."

In the budget request's Capital Equipment section, it lists a half-dozen new projects, including a new "machining center" in Building 332, Livermore Lab's main Plutonium Facility and "pit certification support glove boxes." The budget request also notes that Livermore Lab "conducts and supports training activities to enable LANL's [Los Alamos Lab] near term acceleration of pit production."

Taken together, this language suggests "hands on" potentially risky activities with plutonium will increase at Livermore Lab, which sits on an earthquake fault, near multiple other faults, in a populated City with 93,000 residents, and approximately 8 million people within a 50-mile

radius. The budget document does not purport to analyze impacts. This is the job of NEPA and a programmatic environmental impact statement. Yet details and potential impacts from LLNL's role in pit production are absent from the Draft PEIS.

Moreover, NNSA raised LLNL's plutonium limits in May 2026, while attempting an "end run" around the Court as well as the negotiated settlement in the PEIS litigation that mandates the pit PEIS and governs its process. With no public circulation of a draft LLNL environmental review (and therefore no public hearing or comment period), NNSA's Record of 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 Livermore 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 May 21, 2026 ROD raised 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.

Tri-Valley CAREs notes that LLNL's role in NNSA's plutonium pit production includes, but is not limited to, support work for the Los Alamos Lab's role in producing all of the plutonium pits over the course of a decade or more for the W87-1, for which, as noted above, LLNL is the lead design laboratory. Thus, NNSA cannot dodge its legal responsibility under NEPA and the specifics of the Court Order and negotiated settlement by artificially peeling off potentially dangerous activities specifically involving plutonium pits and the plutonium experiments enabling the pits as somehow magically not related to pit production. These activities should have been detailed as part of the draft PEIS and circulated with it for public comment. This is not only a moral insult to the surrounding public, it is legally indefensible.

Yet, despite TVC's scoping comment request that the PEIS provide details of this work and analyze the associated environmental impacts at LLNL and the clear evidence that significant work at LLNL is a connected action to the overall plutonium pit production plan that should be analyzed in this PEIS, the Draft does neither. In fact, the draft almost entirely excludes any analyses of LLNL's involvement in this work.

TVC again requests that the PEIS specifically provide a description of the work/experiments to be undertaken by LLNL (with the taxpayer funds provided for “Enterprise Plutonium Pit Production Support”), the specific purpose of that work/experiment at LLNL, and the buildings involved. Additionally, the PEIS must clarify the extent to which LLNL ongoing operations with plutonium over the next 15 years will be for “Enterprise Plutonium Pit Production Support/Plutonium Modernization,” the extent to which its specific warhead development work will include new plutonium pit designs, and the extent to which the recently announced “Enhanced Plutonium Utilization” is for plutonium pit production support.

To reiterate, the Final PEIS should analyze, detail and answer:

- Which LLNL buildings support pit production?
- Which experiments are funded under Enterprise Plutonium Pit Production Support?
- How many employees will perform pit-related work?
- How much plutonium will be processed annually in support of pit production?
- What modifications to the Superblock have already occurred to support pit production?
- Which future modifications are anticipated to support pit production?
- Which operations will require increased radioactive waste shipments in connection with supporting pit production?
- What is the full range of potential impacts to workers, the nearby neighbors, and the general public and what mitigation measures are planned?

## **II. The Draft PEIS Fails to Provide a True “No-Action Alternative” as Required by NEPA**

NNSA purports to have fulfilled the expectation of providing a No-Action Alternative in the Draft PEIS, but upon further examination it is apparent that the explanation of this alternative is not congruent with its name. Rather than setting the “No-Action Alternative” as producing no new plutonium pits, or even maintaining the status quo (the capacity to produce 20 new plutonium pits per year at Los Alamos National Laboratory), the PEIS asserts that because there is statutory language directing the capacity of 80 pits, it does not need to address a true no-action alternative, thus failing to serve as a true baseline against which the proposed action can be evaluated.

NNSA assumes that, regardless of the outcome of this PEIS, plutonium pit production will continue to expand in a substantial way, including continued implementation of pit production activities, ongoing facility modifications at Los Alamos National Laboratory (LANL), persistent construction of the Savannah River Plutonium Processing Facility (SRPPF), and maintenance of production capabilities directed toward increased plutonium pit manufacturing.

By treating expansion of plutonium pit production as a foregone conclusion, NNSA has improperly narrowed the range of potential alternatives before analysis has even begun. In *Simmons*, the court warned that an agency may not “contrive a purpose so slender as to define competing ‘reasonable alternatives’ out of consideration (and even out of existence).” *Simmons v. United States Army Corps of Eng’rs*, 120 F.3d 664 (7th Cir. 1997). Here, NNSA’s assumption that expanded pit production will occur regardless of the PEIS effectively eliminates reasonable alternatives (such as taking no action or maintaining current production levels) from being meaningfully considered. This contradicts the longstanding NEPA requirement that agencies objectively evaluate a reasonable range of alternatives.

NEPA requires a “no action” alternative be examined as a mandatory baseline used to compare the environmental impacts of the proposed action against the conditions of not proceeding with the project. NEPA reviews typically evaluate two scenarios as potential alternatives: not moving forward with the proposed action or maintaining the status quo for ongoing operations.

Instead, NNSA seems to argue that it does not need to evaluate a true no action alternative because this long-term expanded plutonium pit production plan is inevitable. NNSA asserts that no other option other than a full-scale, extremely expensive, new nuclear arms race where decades of new plutonium pits are required would be reasonable to consider. However, there are perfectly reasonable possibilities that could lessen or completely nullify the currently contemplated “purpose and need” for new plutonium pit production, including:

- A new administration comes into power and changes course on nuclear weapons modernization, and decides not to move forward with new plutonium pit production;
- The composition of Congress changes and could significantly alter the current plans in a future National Defense Authorization Bill (NDAA). These bills are where Congress previously included statutory language requiring the NNSA to develop the capacity to build up to 80 new plutonium pits per year at Los Alamos and Savannah River Site. A future session of Congress could very well decide to undo the requirement to build new plutonium pit building capacity. After all, the NDAA is an annual bill;
- New intervening international nuclear arms control agreements could be signed ratified that significantly reduce the number of deployed nuclear weapons and bar certain types of nuclear weapons (For example a follow on treaty to New START or the INF treaty);
- The states parties to the Non-Proliferation Treaty that possess nuclear weapons could take further steps to implement Article VI requirements to take steps toward nuclear disarmament. The draft PEIS asserts that the United States “takes [Article VI] seriously.” If so, the PEIS should accordingly examine a possible future in which the United States and other nuclear-armed states successfully implement Article VI and there is no perceived need for pit production;

- US observance or ratification of the already UN adopted Treaty on the Prohibition of Nuclear Weapons could happen, resulting in the full abolition of the US nuclear weapons program;
- Major economic or geopolitical event that makes new plutonium pit production impossible.

Because these are all reasonable future possibilities within the contemplated life of the proposed action, the NNSA must analyze a true no-action alternative in which no plutonium pits, or at least the current status quo, is set as a baseline.

Furthermore, the fact that there is a current statutory mandate for pit production does not foreclose consideration of a true no-action alternative. A true no-action alternative should not include the proposed project or any component of it. It is noteworthy that the U.S. Air Force 2023 Environmental Impact Statement for deployment of the new Sentinel ICBM includes a no-action alternative in which deployment would not take place. Even though the purpose and need for the deployment is characterized as implementation of a legislative mandate, the Air Force understood that a true no-action alternative (analyzing the impacts where the proposed action did not take place at all) was necessary to provide a baseline. No less should be done with respect to environmental review of planned plutonium pit production.

In addition, because the Draft PEIS contains no alternative that reflects environmental conditions without any new plutonium pit production or expansion of such production, the public and decision makers have been denied the ability to fully understand the environmental consequences of the proposed action. The PEIS is solely comparing varying levels of increased pit production against other forms of increased pit production, as opposed to comparing expansion against a legitimate baseline where no new plutonium pits are built (or the status quo is maintained). This approach obscures the incremental harms attributable to the proposed action and the other alternatives, including the alternative to build up to 205 new plutonium pits per year.

Further, flexibility regarding statutory requirements is illustrated by the draft pit production PEIS itself. The PEIS examines two single-site alternatives, at LANL and SRS, despite the statutory requirement for a two-site approach. As the draft PEIS states, “The Fiscal Year 2026 National Defense Authorization Act [...] specifies production of plutonium pits at LANL and SRS.” (Public Law 119- 60). In other words, the National Defense Authorization Act directs a two-site strategy, yet NNSA chose to address single-site alternatives in the PEIS nonetheless. If NNSA can analyze alternatives inconsistent with the statutory directive for a two-site approach, it can additionally analyze a true, no-action alternative (or maintenance of the status quo), inconsistent with the statutory directive in the National Defense Authorization Act to produce 80 pits per year.

Specific to a true no-action alternative, the NNSA must analyze the reuse of existing plutonium pits for the W87-1. LANL is charged with producing plutonium pits for the LLNL-designed W87-1, an activity that will take 10-years or more. According to the Government Accountability Office report on the W87-1, issued in September 2020 (GAO-20-703) “NNSA officials and Lawrence Livermore representatives told us that Lawrence Livermore has studied pit reuse and is confident that the pits could be a technically viable back up option... An independent expert group [JASON, June 2015] has also stated that it would be technically feasible to reuse pits.”

Additionally, Jill Hruby, the former head of NNSA, has been quoted discussing the use of existing W87-0 pits in some W87-1s. The W87-1 is slated to be carried on the Sentinel Missile. The Sentinel Defense Primer alludes to this from a Pentagon perspective, "The Air Force plans to initially deploy the Sentinel with the W87-0 warhead currently on the MMIII. NNSA is developing the W87-1 warhead and plans to deliver a first production unit in FY2033."

While limiting the W87-1 to existing pits is not the NNSA's preferred scenario, it is viable and a no-action alternative must analyze in detail the options of (a) full pit reuse and cancellation of new pit production planned for the W87-1 and (b) substantial pit reuse and reduction of new pit production planned for the W87-1. Also to be examined are the reductions in potential impacts from accidental and “routine” releases in the scenario where pit production for the W87-1 is cancelled, and the scenario where it is substantially curtailed.

Further, pit reuse options for the new design W93 must be examined fully. New pit production for the W93 will occupy SRS for a decade or more – and here, too, finalizing a design that can accommodate pit reuse must be examined as a viable option.

The absence of a genuine baseline affects virtually every resource area analyzed throughout the PEIS. With regards to Accident Analysis, decision makers and the public cannot accurately determine the increased likelihood of radiological or industrial accidents as a result of expanded pit production, because we have no way of knowing what the risks would be if no action was taken or if the status quo was maintained.

Because the baseline is improper, every comparison of accident risk, transportation impacts, cumulative impacts, environmental justice impacts, air quality, waste generation, worker exposure, and socioeconomic impacts is distorted. For example, the accident analysis is addressing potential risk while labeling a certain amount of this risk as inevitable. Additionally, with regards to Transportation Impacts, the number of shipments of plutonium, transuranic waste generation, and other hazardous materials related to pit production were evaluated only under scenarios involving continued or expanded pit production. Without a true no-action alternative, the public cannot comprehend how many additional shipments (and the associated risks that come with these shipments) are attributable to the proposed action. In looking at Environmental

Justice, affected communities, who will bear the brunt of harm associated with the proposed action, are unable to decipher what harm will actually result from the proposed action, because NNSA has effectively told them that they will experience harm regardless. It is inadequate for NNSA to act as if increased pit production is our only path forward, and it is unfair towards workers and affected communities attempting to discern how the proposed action is likely to impact them.

NNSA responded to scoping comments on this matter suggesting that a complete halt to pit production was eliminated from the PEIS analysis because it would fail to satisfy the agency's purpose and need. However, this response exemplifies that NNSA is missing the central concern. A no-action alternative does not serve solely as a potential option for the future of the project, but rather to provide the benchmark against which the environmental consequences of agency action can be measured. Even if NNSA ultimately determines that a true no-action alternative is inconsistent with its purpose and need, an analysis of this alternative is still essential for providing context to decision makers as well as the public.

NNSA should revise the Final PEIS to include a true No-Action Alternative that analyzes environmental conditions under a scenario in which no new plutonium pits are produced, and the existing stockpile is maintained without the expansion of pit production activities. At minimum, the agency should present the environmental consequences of a true baseline alongside the analyzed Single-Site and Multi-Site alternatives, so that decision makers and the public can accurately assess the incremental impacts of the proposed action.

### **III. The Draft PEIS Fails to Include Historical Context of Previous Environmental Impacts from Plutonium Pit Production and Related Activities in Order for the Public to Accurately Understand the Potential Impacts of the Proposed Action and Reasonable Alternatives**

Tri-Valley CAREs specifically asked in its July 14, 2025 "scoping" comment that the NNSA include a detailed, "history of the agency (and its predecessor agencies) plutonium pit production work, and the environmental, worker and community health impacts of that work as well as the environmental cleanup needed to deal with those legacy activities (extent, scope and costs).

The scope of the historical context should include, but not be limited to, a detailed description of the history of the Rocky Flats Plant which built the vast majority of US plutonium pits until it was shut down by the FBI environmental crimes unit in 1989. That history should describe its contamination, worker and public health impacts, as well as any lessons learned. Additionally, a list of Rocky Flats radiation releases, spills and accidents with the date, cause and amount of radiation released should be included."

Tri-Valley CAREs' scoping comment further specified that,

"This includes (among others) LANL's previous and recent work on plutonium pit production, where many hazardous activities, accidents, spills and releases have occurred. A list of LANL's radiation releases, spills and accidents with the date, cause and amount of radiation released should be included. It also includes past activities at LLNL's "Superblock," which designates a collection of core nuclear weapons facilities including the main plutonium facility (building 332) with plutonium glove box lines, furnaces and a huge plethora of experimental and fabrication areas, the main tritium facility (building 331) with tritium glove boxes, high pressure fill operations (and even actinide [plutonium] operations located in the tritium facility's segment 2), and the hardened engineering test facility (building 334) where plutonium bomb cores or parts are shocked, shaken, drop-tested and heated to demonstrate how the pits will perform from launch to detonation on a target. Many hazardous activities, accidents, spills and releases have occurred in the Superblock and a list of those involving radiation with the date, cause and amount of radiation released should be included in the PEIS. Moreover, additional buildings at LLNL, including B235, that handle plutonium and other materials that may be involved in pit support work must be included in the above-noted analysis."

The Draft PEIS failed to provide any of the requested historical analysis, thereby depriving the public of important context of historical plutonium production related activities at all of the sites that will be involved in the proposed action. The PEIS should chronicle these events for the public so that the impacts of the proposal can be understood in context to the past plutonium production activities of the government.

To clarify, the historical context included in the PEIS should not be limited to the historical accidents, but should also include:

- A list of contamination caused by routine activities related to historical plutonium pit production;
- The cleanup costs for legacy contamination and an estimate of cleanup costs for contamination caused by the proposed actions and various alternatives;
- The history of regulatory violations and enforcement actions related to plutonium pit production;
- The number and costs from worker compensation claims and Energy Employee Occupational Illness Compensation Program Act claims from workers involved in historical plutonium pit production jobs;
- All of the "lessons learned" and "corrective actions" issued in connection with incidents or accidents that occurred in plutonium pit production related work.

#### **IV. The Draft PEIS Fails to Adequately Analyze Environmental Justice and Cumulative Impacts as Required by NEPA**

The Draft PEIS does not adequately determine whether the proposed plutonium pit production program would impose disproportionate environmental and health burdens on communities already affected by contamination, nuclear weapons activities, hazardous waste facilities, industrial pollution, or socioeconomic disadvantage. Identifying the demographic characteristics of populations near individual facilities is not, by itself, an environmental justice analysis. NNSA must examine how the proposed action would add to the existing burdens experienced by those communities and whether the combined impacts would be disproportionately high and adverse.

NEPA's "hard look" requirement obligates NNSA to disclose and meaningfully evaluate who would bear the reasonably foreseeable environmental risks of the proposed action. To the extent the 2024 CEQ regulations govern this ongoing review, 40 C.F.R. §§ 1502.15 and 1502.16 require a description of the affected environment and a discussion of the proposed action's environmental consequences, while 40 C.F.R. § 1501.3(d) directs consideration of the context and intensity of environmental effects. *NNSA cannot satisfy NEPA's hard-look requirement by describing aggregate impacts while failing to examine whether particular communities would bear disproportionate environmental burdens.*

The Draft PEIS evaluates many impacts in isolation and does not provide a clear program-wide assessment of the combined effects of construction, routine operations, air emissions, water consumption, wastewater discharges, radioactive and hazardous waste generation, noise, traffic, and demands on local infrastructure. These impacts must also be considered together with the continuing effects of legacy contamination and cleanup activities at affected DOE and NNSA sites. Without this cumulative analysis, relatively small impacts in individual resource categories may be presented as insignificant even when their combined effect on an already burdened community could be substantial.

The PEIS should evaluate environmental justice using sufficiently localized and current information. Broad regional or county-level averages can conceal heavily affected neighborhoods located closer to facilities or other sources of pollution. NNSA should disclose the geographic units, demographic datasets, health indicators, environmental screening tools, and significance thresholds used in its analysis. The agency should analyze impacts at the census-tract or block-group level where appropriate and explain how it identified the communities most likely to experience adverse effects.

The analysis should also separately evaluate impacts on low-income communities, communities of color, Tribal communities, people with limited English proficiency, people with disabilities, children, older adults, outdoor workers, and other populations that may face greater exposure or

reduced capacity to respond to environmental hazards. NNSA should not assume that impacts are equitable merely because modeled exposures remain below a regulatory standard. Compliance with a numerical standard does not determine whether an additional burden is disproportionately imposed on a population that already experiences elevated environmental or health risks.

Meaningful environmental justice analysis also requires meaningful community participation. The PEIS should describe how NNSA will provide accessible information, translated materials, interpretation, and opportunities for participation outside normal working hours. The agency should explain how comments from affected communities influenced the analysis and selection of alternatives.

The Draft PEIS also does not clearly explain whether its environmental justice analysis looks at the combined effects of pit production and other related nuclear weapons modernization programs. A legally sufficient cumulative analysis cannot segment plutonium pit production from the broader, interconnected enterprise driving it. The PEIS should include a cumulative impacts analysis for all of the sites affected by plutonium pit production (including LLNL) that includes the impacts from the other nuclear weapons programs at those sites, including but not limited to the Sentinel missile development program; the W87-1, W93 and W80-5 warhead development programs; uranium, lithium, and tritium modernization; radioactive and hazardous waste treatment, storage and disposal; transportation between nuclear weapons sites; and other site specific activities that impact human health and the environment. These programs may use the same facilities, workers, roads, water, energy, waste systems, and emergency services and the PEIS should analyze the cumulative impacts on all of those systems.

NNSA's own budget documents describe these warhead and production programs as ongoing parts of the broader nuclear weapons modernization effort. Looking at each program separately could hide the larger burden placed on communities that already live near nuclear weapons facilities, transportation routes, or waste sites. NNSA should identify which communities would face several of these impacts at the same time, estimate the combined effects where possible, and explain how it will prevent, reduce, monitor, and address disproportionate harm.

To reiterate, the PEIS should answer the following:

- Which communities would bear the environmental and health impacts of expanded pit production, and what localized data did NNSA use to identify them?
- How would pit production add to existing contamination, pollution, health risks, and cleanup burdens in those communities?
- Does the cumulative analysis include Sentinel and W87-1, W93, W80-5, uranium, lithium and tritium modernization, LLNL activities, transportation, and waste disposal? If not, why not?

- What concrete protocols will the NNSA establish to provide translated materials, interpretation services, and public participation opportunities outside normal working hours for affected communities, and how did their input influence the selection of alternatives?
- Did the agency evaluate communities simultaneously exposed to transportation risks, routine emissions, accident risks, historic contamination, and waste disposal activities?

## **V. The Draft PEIS Fails to Explain the Assumptions Underlying Projected Plutonium Pit Demand as Required by NEPA**

The Final PEIS should disclose the assumptions and calculations used to estimate pit demand. This should include the pit lifetimes assumed by NNSA, the number and types of existing pits assumed to be available and suitable for reuse, the share of future demand expected to be met through reuse rather than new production, the assumed future size and composition of the stockpile, the number of new pits expected to be required by future warhead programs, and how different arms control agreements, treaty obligations, or reductions in the stockpile could affect demand. Although the Draft PEIS states that NNSA expects to rely on a combination of newly manufactured pits and the “judicious reuse” of existing pits, it does not quantify how much demand it expects each approach to meet.

By withholding the underlying data and predictive models that supposedly justify decades of sustained and high-volume production, NNSA has denied the public and decision-makers the ability to evaluate whether the proposed action's massive environmental and radiological footprints are actually useful in any way. A legally sufficient environmental review under NEPA requires the agency to expose this analytical foundation.

NNSA should present this information as a transparent forecast showing the estimated number of new and reused pits needed during each decade of the 50 year period. Where information is classified, NNSA should provide unclassified ranges, totals, and an explanation of the methodology sufficient for the public to understand and evaluate the assumptions.

Accordingly, the Final PEIS should answer:

- How many future requirements could be met through reuse of existing pits rather than new production?
- What assumptions about pit lifetime, stockpile size, warhead programs, and arms control policy support the projected demand?

## **VI. The Draft PEIS Fails to Disclose Significant Scientific and Programmatic Uncertainty as Required by NEPA.**

The PEIS must disclose and analyze the impacts of scientific or program uncertainties, but it does not. The PEIS must analyze:

- The extent to which future pit demand is uncertain and how that demand will impact the environment if it increases or decreases;
- The extent to which congressional funding is uncertain and how variable funding will impact the environment if it increases or decreases;
- The extent to which facility completion timelines are uncertain and likely to go far beyond current estimates, especially at SRS, and how timing delays could impact cost and the environment;
- The extent to which there are workforce availability limitations that could further affect timing or costs and how those could impact the proposed action and the environment;
- The extent to which waste disposal capacity at WIPP is available or not and how lack of capacity could impact the proposed action and the environment.

## **VII. Proliferation Risks Must be Further Analyzed in the Final PEIS**

Tri-Valley CAREs asked for a proliferation study on plutonium pit production in our July 14, 2025 scoping comment. The PEIS fails to adequately respond to this request. As stated in our scoping comment, there is precedence for the agency undertaking a proliferation study before NNSA moves forward with a potentially proliferation provoking project. In 1995 when the agency was moving forward with plans to build the National Ignition Facility (NIF) at LLNL, a Congressman requested a proliferation report be completed by the DOE to resolve the question of whether NIF would aid or hinder U.S. nonproliferation efforts before proceeding with substantial budgetary commitments to construct the facility. Both technical and policy aspects were addressed, and public participation was part of the decision process. That report is available online and is titled, “The National Ignition Facility and the issue of nonproliferation. Final study.” (1995) <https://www.osti.gov/biblio/187216>

The Draft PEIS concludes that expanded pit production is consistent with U.S. obligations under the Treaty on the Non-Proliferation of Nuclear Weapons but does not explain the analytical basis for that conclusion or evaluate contrary evidence raised during scoping. The Draft PEIS claims NNSA’s Stockpile Stewardship program is consistent with US nonproliferation commitments and treaty obligations as it “preserves credibility in the US nuclear stockpile, removing incentives within non-nuclear weapon states, whose security relies on the US nuclear deterrent, to develop their own nuclear weapons.” However, this analysis only describes the relationship between the US and non-nuclear weapon states, not other nuclear-armed states, most importantly our adversaries. If the US is ramping up pit production, what is to stop other nuclear-armed states from doing the same,

further exacerbating a nuclear arms race, or in other words nuclear weapons proliferation. Especially in light of New START's expiration, there is now no agreement to prevent a nuclear arms race.

What is the US policy if those countries also begin to produce new warhead designs and initiate new plutonium pit production facilities?

NNSA further claims its mission is to sustain existing stockpile capabilities rather than initiate new weapons programs. However, this new plutonium pit capacity will be used in new warheads, initially for the W87-1 and W93. Developing new nuclear weapon designs encourages our adversaries to do the same, again causing more nuclear proliferation.

In addition, developing new nuclear weapons designs also could lead to these designs needing to be tested. The Draft PEIS claims the program complies with the Comprehensive Test Ban Treaty as the "proposed Action in this PEIS would support DOE/NNSA's certification of the safety, reliability, and performance of the U.S. nuclear weapons stockpile to the President without the use of nuclear explosives testing." However, there is a great deal of rhetoric in the administration to resume explosive nuclear testing and the use of new plutonium pits being used in new warheads would further increase the President's desire to resume testing. Opening the doors to testing of new weapons designs would prompt our adversaries to do the same.

New plutonium pit capacity will allow for future nuclear weapons programs such as the W80-5 to be developed with the new pit design, thereby facilitating additional proliferation. With a whole new generation of new US nuclear weapons that will extend the stockpile, others will do the same. This investment is counter to nonproliferation efforts.

The almost \$100 million of funding in Fiscal Year 2027's budget for future new nuclear weapons designs, including the nuclear bunker buster to hit deep geological targets, will likely also need new plutonium pits and will broaden potential use scenarios of our nuclear stockpile. All these point to this plutonium pit program being used for new nuclear weapons, which is something the Draft PEIS incorrectly concludes without sufficient explanation. New nuclear weapons designs do not simply maintain the existing stockpile—they intensify the nuclear arms race by prompting our adversaries to also develop new weapons and therefore create proliferation.

Due to these concerns, Tri-Valley CAREs does not believe the Draft PEIS adequately analyzes proliferation and simply just rushes to the conclusion that the project is consistent with US nonproliferation commitments without completing a proliferation study or addressing major concerns about modernizing the stockpile. Therefore, these holes should be addressed in the final PEIS.

## **VIII. Transportation Risks Must be Further Analyzed in the Final PEIS as Required by NEPA**

Plutonium pit production involves multiple sites across the nation and includes the increased transportation of hazardous radioactive materials and wastes back and forth between them. The Draft PEIS fails to adequately address and analyze the effects of this transportation. Also, there are multiple “traffic and transportation” sections scattered throughout each volume of the PEIS, making it difficult to follow and completely grasp, especially for the general public. The information in the final PEIS should therefore be more accessible for the public.

The proposed pit production system will inevitably depend on constant interstate movement of various hazardous materials such as plutonium pits and pit assemblies, plutonium metals, plutonium oxides, uranium (enriched and depleted), tritium, radioactive wastes, etc. However, the PEIS tends to refer to these materials collectively as “secure shipments”, somewhat downplaying the critical nature of their transfer or the dangers that they actually impose on workers and the public.

A Los Alamos National Lab (LANL) NEPA document stated that LANL will ship plutonium to Livermore for “materials testing” in support of “expanded plutonium pit production.” The same LANL NEPA document states that the plutonium will then be shipped back from LLNL to LANL. All potential shipments between LANL and LLNL must be detailed in the PEIS, including but not limited to the frequency of the shipments, the method(s) of shipment, the amounts of material, and the configuration of the material.

LLNL is not widely referenced in the PEIS with regards to transportation. In Section 1.4, the PEIS states that LLNL is a site “not directly involved in pit production activities.” This seems somewhat misleading given that in Appendix C.1.10.4, it is mentioned that LLNL is one of the several destinations within the DOE-wide complex that NNSA sends radioactive wastes, pits, or pit-related materials, for the purpose of pit processing, pit material testing and evaluation, weapons assembly, material disposal, etc. While LLNL may not be making the pits themselves, it appears integral to the process and the PEIS attempts to downplay the involvement by labeling it as “not directly involved.” The PEIS also fails to clearly explain the details surrounding LLNL’s involvement. There is no information with regards to what specific types of hazardous materials would be shipped to/from LLNL, how often these shipments would occur or how many of them there are likely to be, what routes would be taken, etc.

The PEIS must disclose the anticipated number and frequency of special nuclear materials to facilitate plutonium shipments in and out of LLNL. Additionally, it should include analysis on various populations that might be impacted by the transportation of these nuclear materials.

For California, when looking at the WIPP route map by the Office of Secure Transportation, the route for special nuclear material and wastes look like it includes Highway 80 through the Donner Pass, Truckee, the historic town of Auburn, populated Sacramento suburbs, then moves to Highway 5 near downtown Sacramento and travels through Stockton and Tracy where the route changes to Highway 205. NNSA has not engaged with these communities about this route nor the risks this route will have on these communities. The WIPP route also includes the infamously dangerous I-580 Altamont Pass. A frequent site of high-speed accidents due to the road having steep grades and high winds, and major congestion with over 160,000 trips per day, many involving large semi-trucks.

In our July 14, 2025 scoping comments, we asked for clarification on the national transportation map that programmatic plutonium material will travel on as well as the radioactive waste shipments. However, the PEIS did not respond with this information. We are therefore once again requesting the transportation routes along with a map be included in the PEIS.

The PEIS must also include an analysis of ways to mitigate the dangers of transporting special nuclear material in and out of LLNL. The PEIS should specify how cities and local governments will receive notice of the increase in special nuclear material passing through on highways to LLNL to facilitate pit production support. The final PEIS should also study ways to minimize the number of shipments going in and out of LLNL, including scheduling shipments during times of lower congestion, such as later in the evening, very early in the morning, or on weekends.

Also, the ways in which shipments themselves are discussed are somewhat vague and ambiguous as well. In Volume 2, Appendix C, the PEIS states that LANL maintains between 200 and 500 waste shipments per year, but it later says that there are between 200 and 300 annual shipments of non-waste radiological material, and about 400 offsite waste shipments. This obviously exceeds the initial 200-500 number given, and apparently there is a reluctance to acknowledge or analyze the total cumulative impact of shipments. The PEIS must provide more accurate estimates of these shipments.

To reiterate, the PEIS should disclose:

- The annual shipment numbers to and from all of sites (including LLNL);
- The shipment frequencies to all of the sites (including LLNL);
- The cumulative shipment totals estimate per year for at least the next decade;
- The accident probabilities related to the proposed action and various alternatives;
- A description of the emergency response assumptions and how they differ based on the location (from state to state, rural to urban, etc.);
- The expected public radiation doses from the worst case scenario traffic accident or intentional destructive act involving a shipment;
- The cumulative traffic impacts related to the proposed action and various alternatives;

- The assumptions regarding shipment security, emergency response times, and accident recovery assumptions.

## **IX. The Draft PEIS Fails to Analyze Community Risks and Accident Scenarios at LLNL as Required by NEPA**

Tri-Valley CAREs specifically asked in its July 14, 2025 scoping comment that the PEIS should detail all the accidents, non-compliant releases of radiation, worker exposures, spills and near misses that have occurred in the LLNL Superblock, along with how NNSA plans to safely ramp up activities in the Superblock to undertake the proposed action, including providing details about its safety and accident response protocols, including how the nearby public would be notified of an accident involving plutonium, how emergency responders, cleanup crews and regulators would be notified and involved, and how lessons learned would be evaluated and implemented. As stated in that comment:

“Rushing to meet arbitrary deadlines heightens the risks for the workforce recruited to carry out complex, hazardous plutonium processing. LLNL’s Superblock has a troubling record of safety violations, worker exposure to plutonium, and fires and floods. At times, the facility appears to have prioritized expediency and cost-savings over safety. This endangers the workforce and the local community—as well as the program itself should a significant accident occur. The Department of Energy and the NNSA must place a higher priority on the safety and well-being of workers and frontline communities.”

The Draft PEIS does not address these concerns, failing to evaluate community risks, worker safety and possible accidents at LLNL. Why is LLNL excluded from the severe accident consequence modeling despite increased plutonium operations associated with Enterprise Plutonium Pit Production Support?

In addition, a [new peer-reviewed study](#) from Princeton University shows that the NNSA may be severely underestimating the true public health risks from plutonium fires at LANL and the Savannah River Site (SRS). Another fire inside the plutonium facility at LANL last month makes it clear that hazardous occurrences are not far off hypotheticals. The Draft PEIS only analyzes potential impacts within 50 miles of LANL and SRS and assesses that the worst-case scenarios would not extend further, while this study details how radiation could spread hundreds of miles across state lines and harm thousands of community members. The same can be possible for LLNL, which is situated in an area prone to wildfires. The site has experienced fires in the past and a plutonium glovebox fire at the site is not out of the realm of possibilities, especially in light of enhanced plutonium utilization at the site.

NNSA seems to be sacrificing safety for speed in its plutonium pit production work, when it should be prioritizing better engineering and administrative controls to avoid worst-case scenarios. The work from Princeton demonstrates that the consequences of not doing so could be dire for large parts of New Mexico, South Carolina, and impacted communities in non-production sites across the country as well. The Final PEIS should address the concerns (specifically those brought up in the Princeton report) and reevaluate public health risks and accident scenarios in light of this new study.

#### **X. Failure to Disclose Studies Relevant to the Draft PEIS Deprives the Public of Information Necessary for Meaningful NEPA Review**

The Draft PEIS relies on assumptions regarding the need for expanded plutonium pit production, the expected service life of existing plutonium pits, and the feasibility of meeting future stockpile requirements. Yet, during the public comment period, NNSA has withheld at least two agency studies that bear directly on these issues: (1) the congressionally mandated 2025 JASON study on plutonium aging and pit lifetimes, and (2) the Department of Energy's Special Assessment evaluating NNSA's leadership and management of the plutonium pit production program. Because both studies are directly relevant to the proposed action and its environmental consequences, the public has been denied access to information necessary to meaningfully evaluate and comment on the Draft PEIS.

The United States already possesses thousands of plutonium pits. Previous JASON studies concluded that most plutonium pit types have minimum lifetimes of approximately 100 years and identified no aging mechanism requiring near-term replacement of the existing stockpile.[\[1\]](#) The average age of the excess U.S. plutonium pit inventory remains well below that estimated lifetime. Consequently, the scientific basis for NNSA's asserted urgency to substantially expand plutonium pit production is central to the purpose and need for new plutonium pit production and the proposed action that is the subject of this PEIS.

Recognizing the importance of this issue, Congress directed NNSA to commission an updated JASON study in the 2024 National Defense Authorization Act. The Senate Energy and Water Development Appropriations Committee specifically required the study to evaluate plutonium aging, estimate pit lifetimes for current warheads, assess the feasibility of pit reuse in modified weapons, and submit the report in **unclassified form**, with a classified annex if necessary. [\[2\]](#) These topics directly relate to the Draft PEIS's assumptions regarding the purpose and need for expanded pit production and the reasonable alternatives that should be analyzed.

The JASONS have completed the study and released it to NNSA. However, despite the congressional direction to release an unclassified (publicly available) version, NNSA has refused to disclose the study. In response to Freedom of Information Act requests submitted by Nuclear

Watch New Mexico and the Union of Concerned Scientists, NNSA released only a three-page document entitled *Plutonium Aging: Executive Summary (Unclassified)* in which every page of substantive text was completely redacted. <sup>[3]</sup> Previous JASON executive summaries addressing plutonium pit aging were publicly released, including the 2006 *Pit Lifetimes* report and the 2019 JASON letter report. <sup>[4]</sup> Senator Elizabeth Warren and Representative John Garamendi have also requested public release of the new study. <sup>[5]</sup> Finally, Tri-Valley CAREs and the other plaintiff organizations have sent the NNSA a demand letter by and through our attorneys at the South Carolina Environmental Law Project requesting the release of these documents and an extension of the public comment period so that interested parties can take them into consideration when evaluating the PEIS. That letter is incorporated into this comment by reference. <sup>[6]</sup>

The complete redaction of an executive summary specifically designated as "Unclassified" deprives the public of scientific information that may bear directly on the environmental analysis contained in this PEIS. Whether the updated JASON study supports, modifies, or contradicts earlier conclusions regarding pit lifetimes, the information is plainly relevant to evaluating the need for expanded pit production and the reasonableness of alternatives such as pit reuse. The Final PEIS should explain why this information was unavailable during the public comment period and discuss the study's conclusions to the extent permitted by law.

Similarly, DOE has declined to release its completed "Special Assessment" (or study) concerning NNSA leadership and management of the plutonium pit production program. According to public statements by DOE officials and members of Congress, this study evaluates management, cost, schedule, and execution issues affecting the pit production program, including the Savannah River Plutonium Processing Facility. Those issues are directly relevant to the feasibility, implementation, and environmental consequences of the proposed action analyzed in this PEIS. Tri-Valley CAREs and the other plaintiff organizations requested release of the Special Study during the public comment period and via a Freedom of Information Act request, yet DOE has declined to disclose it.

Both studies are directly relevant to the assumptions, purpose and need, alternatives, and implementation of the proposed action. Because these studies bear directly on the assumptions underlying the proposed action, the Final PEIS should explain how NNSA considered their findings in developing their environmental analysis. If the studies cannot be summarized without public disclosure, NNSA should either disclose them to the extent permitted by law or explain why additional public review is unnecessary despite the absence of information directly relevant to the Draft PEIS. At a minimum, the Final PEIS should:

- Summarize the principal findings of the updated JASON plutonium aging study and explain how those findings informed the agency's assumptions regarding pit lifetime, pit reuse, and the need for expanded pit production;

- Disclose the findings of the DOE Special Assessment, or explain why those findings could not be considered in the PEIS;
- Explain whether either study resulted in changes to the agency's analysis of alternatives, production schedules, facility requirements, costs, or environmental impacts; and
- If these studies could not be considered during preparation of the Draft PEIS because they were withheld from public review, provide an opportunity for additional public comment after the information has been disclosed.

In addition, these documents should be shared with the Defense Nuclear Facilities Safety Board in their full and classified form so that they may carry out their important oversight functions with respect to Plutonium Pit Production and the associated work in Nuclear Facilities across the NNSA complex.

## **XI. Conclusion**

For the reasons described above, the Draft PEIS does not provide the public or decisionmakers with the information necessary to take the "hard look" required by NEPA. The Draft PEIS omits analysis of significant connected actions at LLNL, fails to evaluate a true No-Action Alternative, inadequately analyzes cumulative and environmental justice impacts, does not disclose the assumptions underlying projected pit demand, fails to address significant scientific and programmatic uncertainty, inadequately analyzes transportation and accident risks, and withholds studies directly relevant to the agency's environmental review.

Due to the extent of the missing information in this Draft, Tri-Valley CAREs respectfully requests that NNSA address each of these deficiencies in a new Draft PEIS with the requested information disclosed to the maximum extent permitted by law, and provide additional opportunities for public review and comment. Alternatively, but less desirable, the NNSA could address these issues in the Final PEIS, but without the opportunity for additional public comment on the significant new and material (currently missing) information, this runs the risk of being an inadequate course of action under NEPA.

Respectfully Submitted on behalf of Tri-Valley CAREs 6400 members,

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[1] Redacted *Plutonium Aging: Executive Summary (Unclassified)*, <https://ucs-documents.s3.us-east-1.amazonaws.com/nuclear-weapons/JASON-Plutonium-Aging-Executive-Summary-Unclassified-Redacted.pdf>

[2] *Pit Lifetimes*, JASON, November 2006, [www.nukewatch.org/facts/nwd/JASON\\_ReportPuAging.pdf](http://www.nukewatch.org/facts/nwd/JASON_ReportPuAging.pdf) This JASON study came about because Nuclear Watch New Mexico, knowing of the earlier *Remanufacture* JASON report, suggested to then-Senator Jeff Bingaman that a new JASON pit lifetime study would be appropriate. He then successfully passed that requirement through an amendment to the 2004 Defense Authorization Act.

[3] Senate Report 115-258, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2019, page 104, <https://www.congress.gov/115/crpt/srpt258/CRPT-115srpt258.pdf>

[4] Letter Report to the NNSA, JASON, November 13, 2019, but not transmitted by NNSA to Congress until April 6, 2020, <https://irp.fas.org/agency/dod/jason/pit-aging.pdf>

[5] Joint Senator Warren- Rep. John Garamendi letter to DOE secretary, 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)

[6] SCLP's letter of demand to NNSA is available at <https://nukewatch.org/demand-letter-for-pit-peis-critical-documents-and-extension-of-public-comment-period>