



# Los Alamos Study Group

*Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability*

July 14, 2025 by email to [PitPEIS@nnsa.doe.gov](mailto:PitPEIS@nnsa.doe.gov)

Ms. Jade Fortiner, NEPA Document Manager  
National Nuclear Security Administration, Office of Pit Production Modernization  
US. Department of Energy  
1000 Independence Ave. SW  
Washington, DC 20585

Dear Ms. Fortiner –

Good afternoon. You will have transcriptions of my oral comments at the May 27 and 28 virtual scoping hearings. Please incorporate them in what follows where they are not repetitive to it.

## **Regarding the No Action Alternative (NAA)**

For the reasons stated below among others, an actual NAA must involve no preparations for pit production at any site.

This would allow technology demonstration and training at LANL with only *de minimus* pit production, the program that was in place from December 1996 to September 2020 under several NEPA Records of Decision (RODs).

NNSA however states that the NAA “will be based on NNSA’s prior decision to produce 30 pits per year [ppy] at LANL with surge efforts to produce up to 80 [ppy] (85 FR 54544, Sept. 2, 2020).”

NNSA ignores that the NEPA analysis supporting this decision was declared inadequate and unlawful (“Memorandum Opinion and Order Granting Judgment in Favor of Plaintiffs as to Claim One...Docket No. 208, CA: 1:21-cv-01942-MGL).

While the court did not vacate that “prior decision,” in choosing this NAA NNSA would be making a consequential *new* decision that would cripple and predetermine this new PEIS analysis, based what the court explicitly found to be an inadequate and unlawful NEPA analysis. The present PEIS is the product of NNSA concurrence in that decision and subsequent settlement.

Furthermore, it is precisely the decision of Sept. 2, 2020 to produce at least 30 ppy at LANL (and at least 50 ppy at SRS) which is being reviewed in the present PEIS. Even apart from its scofflaw quality, NNSA’s reasoning in proposing this NAA is circular. NNSA is attempting to “bootstrap” its preferred pit mission at LANL without comparing it to an actual no action alternative. 1[1]

Several NEPA records of decision (RODs) affirm a 10 ppy plutonium sustainment mission at LANL. On the other hand, no lawful NEPA decision supports a 30 ppy production mission at LANL. We discussed this glaring

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<sup>[1]</sup> For the record, NNSA is also doing that in its draft Site-Wide Environment Impact Statement (draft SWEIS) for LANL. It is as if one way or another, NNSA wants a massive new program at LANL to be considered “no action,” without comparison to any environmental impact baseline, in any NEPA process.

problem in an *amicus* declaration filed in the above case.<sup>2[2]</sup> As we explain there, *there has been no factual, completed environmental impact statement even analyzing a 30 ppy production mission at LANL.*

In brief, the Supplement Analysis (SA) of Sept. 2, 2020 cited by NNSA is in turn based on a 2008 analysis which assumed the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF), a large proposed plutonium facility at LANL, would be completed and available for the pit mission. That project was canceled. There is no such facility.

NNSA's Los Alamos Plutonium Pit Production Project (LAP4) is the largest construction project in NNSA's pit production program at LANL. It is necessary to "support a baseline production increase from 10 [ppy] at LANL to not less than 30 ppy" (p. 168). That is, LAP4 is necessary achieve what NNSA describes as its "No Action Alternative."

LAP4 will not be complete, according to NNSA, until the fourth quarter of FY2032 (p. 169), seven years from today. LAP4 is expected to cost up to \$6.6 billion ([NNSA Initial Pit Production Total Acquisition Cost Estimate](#), Apr 2024). It is difficult to consider a \$6.6 billion project, much of which lies in the future, as "no action."

NNSA is now uncertain about how to proceed with LAP4. In its fiscal year (FY) 2026 budget request to Congress, NNSA stated regarding LAP4 (at p. 172):

NNSA continues to assess the impacts on the TPC [Total Project Cost] and the CD-4 [completion of construction] date. Over time the schedule and cost estimates have increased due to refinement of scope during design, and partially accounting for parametric estimates on 30R [the "30 Reliable" sub-project, necessary to produce at least 30 ppy reliably] in advance of having a fully developed baseline estimates. NNSA/LANL is currently refining scope in light of the project reaching the threshold of requiring a CD-1R. Additionally, other contributing factors include escalation, longer glovebox fabrication durations, and ongoing challenges with executing work within an operating nuclear facility.

With no overall CD-1 for LAP4 in place, DOE has effectively withdrawn its decision to construct its flagship pit production project at LANL while preparing a new or reaffirmed alternative selection (CD-1R).<sup>3[3]</sup>

NNSA is also reassessing its flagship pit production at SRS for the same reason: ("[Gigantic Department of Energy program to make plutonium warhead cores \("pits"\) has overshot its budget and is being re-evaluated; NNSA has no analysis of alternatives supportive of its present pit plans....](#)" Jul 12, 2025).

Recall that the LAP4 project and the SRPPF project both arose from the same purpose and need determination (CD-0) long prior to the decision of Sept. 2, 2020 and even prior to the recommendation of May 2018 to split production between two sites. *Both* flagship projects are now reevaluated.

Please also recall that NNSA has no Analysis of Alternatives (AoA) supporting the CD-1 decision for LAP4. NNSA's [only pit production AoA](#) supported what is now the SRPPF project (to produce *all* the pits), but did *not* support enduring production in LANL's PF-4 and did *not* support splitting production at two sites.

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<sup>2[2]</sup> [Motion to File Amicus Curiae Declaration and Incorporated Memorandum in Support Thereof, Civil Action No. 1:21-1942-MGL](#), Oct 30, 2024.

<sup>3[3]</sup> The required trigger and process for project "reaffirmation" is at p. A-6 of [DOE Order 413.3B](#): "If the top end of the original approved CD-1 cost range grows by more than 50% as the project proceeds toward CD-2, the Program, in coordination with the PME [Project Management Executive], must reassess the alternative selection process. Upon completing the review, the PME must approve a revised CD-1 identifying the new or reaffirmed selected alternative and an updated CD-1 cost range."

That is, NNSA's only AoA, after detailed analysis and for reasons that remain true today, rejected the proposed NAA as unreasonable despite the same legal production requirements already being in place (50 USC § 2538a) that were cited in the notice for this PEIS.

Simply put, the proposed NAA violates DOE Order 413.3B.

There is more. Logically, NNSA cannot reassess CD-1 ("Alternative Selection") for either LAP4 or SRPPF without conducting an analysis of alternatives, i.e. a new AoA.

The ROD that will follow this PEIS will be the decision about how and where to produce pits. NNSA cannot assume a 30 ppy production role for LANL going into this PEIS.

*Neither can NNSA complete a CD-1R for LAP4 or a CD-1R for SRPPF prior to the ROD from the present PEIS. These are both decisions to proceed with major federal projects having significant environmental impacts and they cannot be made prior to the ROD from this PEIS.*

Neither, for that matter, should NNSA prejudice its decisions by actions taken during the pendency of this PEIS.

NNSA may believe the requirements of 50 USC § 2538a provide authorization for its proposed NAA. Yet NNSA has testified to Congress that it will not, under any circumstances, meet any of the statutory pit production obligations of 50 USC § 2538a.

NNSA is operating independent of and in violation of these statutory requirements right now. NNSA did not produce 10 War Reserve (WR) pits in 2024; it produced one. NNSA is not on track to produce 20 WR pits this year, nor 30 next year. NNSA recently testified that it expects to have "installed the capability" to produce 30 ppy "by 2028."

Egregious violations of statutory requirements like this are a signal that something is wrong with NNSA's plans and commitments, or else with the statute.

The existence of a statutory requirement does not absolve agencies of their NEPA responsibilities, which include the choice of reasonable alternatives, which may or may not comport with congressional directives. NEPA was and is designed to be a check on federal actions, whether or not they are required by Congress.

To repeat, what would be reasonable and legal as an NAA would be to postulate continuing using LANL for training, demonstration, and de minimus pit production (less than 10 ppy) as supported by several NEPA decisions, while halting investment in stockpile pit production at LANL. It would also postulate no further investment in pit production at SRPPF. In this true NAA, NNSA would make only a very few if any pits for the stockpile for decades to come.

Make no mistake: pausing SRPPF would in effect end the project and with it, NNSA's prospects for an adequate pit production facility for the foreseeable future. We are describing a true NAA, not what we believe NNSA will choose as policy.

Upon information and belief, the W87-1 warhead, pits for which are to be produced at LANL, will begin production using recycled pits. This further underscores the reasonableness of the true NAA we propose. LANL pits are not needed any time soon, if they are needed at all.

Initially, DoD expects to deploy W87-0 warheads, which also do not need LANL pits, on the much-delayed Sentinel missile system, assuming the latter is built. We believe it would be reasonable to use all W87-0s on Sentinel missiles, with no W87-1 warhead and no LANL pit production for that warhead.

This would save roughly \$40 B, counting forward costs for the W87-1 program and LANL pit production only. Using these existing warheads would prevent all the environmental impacts of acquiring and operating LANL

pit production facilities. W87-1 warheads are modern and are being upgraded now, have insensitive high explosives in their main charge, have high accuracy, and their pits will remain serviceable for decades to come.

To properly compare the impacts of this eminently reasonable alternative (no stockpile pit production at LANL), NNSA needs a true NAA.

### **Action Alternatives**

To choose reasonable action alternatives, we need to know the program requirements. NNSA does not specify them. If they (or portions of them) are classified, this needs to be stated.

Any alternative based on an open-ended numerical interval describing pit production levels, e.g. “at least X ppy,” is by definition undefined and cannot be a basis of impact analysis. Is X the pit production level, or 2X -- or 10X? We don’t know. Pit production targets for the sites in question need to be specified using a *range*, or an estimated *average*. NNSA did this in its 2017 AoA. Neither can an undefined “surge” be the basis for valid environmental analysis.

NNSA’s 2017 AoA identified five reasonable strategies for pit production at three possible sites: SRS, LANL, and the Idaho National Laboratory (INL). After eight years of subsequent investment, only two reasonable locations for pit production remain: SRS and LANL. No others should be included.

At LANL, the only remotely reasonable alternative for pit production in the near term (i.e. prior to at least 2040) is an alternative based in Building PF-4. At SRS, the only remotely reasonable alternative for pit production is SRPPF, over any timespan.

However, NNSA does not expect to use LANL’s 50-year-old PF-4 for pit production indefinitely ([AoA](#) p. 2 and elsewhere; NNSA “[Risks for Sustainment of PF-4 at LANL,](#)” Nov 2020, [LANL 2021 "Campus Master Plan,"](#) oral representations by senior officials). (Other supporting facilities are also old and need replacement even sooner, e.g. the Sigma Facility, TA-3).

Meanwhile, multiple senior officials have advised us that SRPPF can carry the entire pit production mission (whatever it is). Indeed in this year’s congressional budget request we read that SRPPF is being designed to produce “all seminal pit types of the enduring stockpile” ([p. 200](#)).

Therefore the only action alternatives involving LANL production which might be reasonable are those which involve:

1. Omitting LANL production altogether beyond the previously-approved demonstration and training level of less than 10 pits per year. This is part of the NAA proposed above.
2. Proceeding with preparations for LANL production at some level but terminating production by some date or date range.
3. Transitioning LANL pit production into new or augmented facilities by some date. In this case, these new buildings should be described and their impacts analyzed in this PEIS. What facilities would be built, when would construction begin and end, and where would they be? Of note, no such buildings were described in the draft SWEIS for LANL.

Like NNSA proposes in its draft SWEIS, we do not believe option 3 is actually reasonable, for many reasons. That is, enduring LANL pit production at any scale, in any facilities, is not a reasonable alternative, especially given the existence and progress at SRPPF. SRPPF is expected to be complete about a decade prior to when any new LANL facility could be finished.

Therefore over a 50-year period, the only action alternatives which are reasonable are those involving alternative production levels at SRPPF. Impacts of operation at various SRPPF production levels should be tabulated separately.

The construction impacts of SRPPF are more or less invariant with production capacity.

These conclude our scoping comments. Please inquire if we can help in any way.

Thank you for your attention,

/s/

Greg Mello, for the Los Alamos Study Group