

Tom Clements

Comment by Savannah River Site Watch, Columbia, SC, is attached.



Savannah River Site Watch

April 23, 2026

Comment for the New Mexico Environment Department's "Record of the WIPP Agency-Initiated Modification Draft Permit of April 23, 2026"

DOE's National Nuclear Security Administration (NNSA) released the "Draft Plutonium Pit Production Draft Programmatic Environmental Impacts Statement" (DOE/EIS-0573) on April 10, 2026. (at <https://www.energy.gov/nepa/articles/doeeis-0573-draft-environmental-impact-statement-april-2026>)

The Draft PEIS "evaluates potential impacts of continuous pit production over the next 50 years." It is my organization's position that no new pit production is needed and that pit reuse must be seriously considered and reviews of such as well as pit aging must be made part of the PEIS record.

The Draft EIS assume a base rate of 30 pits per year at Los Alamos and a surge production rate of 80 pits per year at Los Alamos and 50 pits per year as a base rate and 125 pits per year as a surge at the Savannah River Site in South Carolina. NNSA has presented no justification for production of over 80 pits per year, especially the production rate of 205 pits per year, which would also mean a large increase of TRU waste over the base production rates.

Estimated TRU waste volumes generated from pit production are presented in "Table S.3-6 Combined Estimates of Radioactive Waste Quantities" (page S-30). For the range of 80 ppy to 205 ppy, the amount of TRU generated would be 739–1,399 cubic meters per year. SRS TRU waste would make up about 50/80ths to 125/205ths of those TRU amounts.

The TRU produced by new plutonium pit production for new nuclear warheads is not "legacy TRU" as NMED has defined. Disposal of non-legacy TRU from pit production, especially at SRS, could place at risk the disposal of legitimate LANL legacy TRU in WIPP.

NNSA's draft PEIS does not appear to define "legacy TRU" nor discuss "legacy TRU" nor discuss the impact of the NMED policy on priority of disposal of legacy TRU from New Mexico. Nor does the draft PEIS discuss pursuit of a new TRU waste disposal facility, tipping NNSA's hand that it may not have intention to pursue such a facility.

It is unclear what NNSA really thinks about its ability to access disposal in WIPP of TRU - non-legacy TRU - generated by pit production. Based on the draft PEIS, it appears NNSA public posture is that it can dump non-legacy and out-of-state plutonium-pit TRU in WIPP for as long as it pleases and in quantities that it pleases.

But NNSA is wrong about its approach to not defining legacy TRU and NNSA must be held accountable to abide by NMED's definition of legacy TRU. Likewise, NMED should always clearly state that TRU from new production of plutonium pits is not legacy TRU.

The projected number of pits produced annually at Los Alamos appears to be going up. There are indications that NNSA is striving to produce 60 pits per year at Los Alamos in a sustained fashion, which is significantly above the base production rate of 50 ppy. Thus, TRU production would be higher at the 60 ppy production rate vs 50 ppy.

It should be noted that the "Performance Evaluation Report" (PER) for Fiscal Year 2025 (at: <https://www.energy.gov/sites/default/files/2026-02/SRS%20FY%202025%20Performance%20Evaluation%20Report.pdf>) for the SRS pit contractor, Savannah River Nuclear Solutions, indicated problems with project management, schedule delays and cost increases. The PER reveal states the overall problem: "SRNS underperformed in project execution of the Savannah River Plutonium Processing Facility (SRPPF) project in FY 2025." (page 2)

SRS project slippage at SRS will perhaps put pressure on increased pit production at Los Alamos and could impact, delay or stop disposal of out-of-state non-legacy TRU generated at the SRS pit plant. If the SRS pit plant were to begin operation in 2035 or later, the WIPP closure date could impact SRS pit-production TRU disposal IF such non-legacy TRU were somehow allowed to be taken to WIPP.

If the SRS pit facility only begins operation in 2035 or later, even if SRS non-legacy TRU was allowed into WIPP, it could only be include in the disposal volume of 25% allowed for non-LANL legacy TRU.

NNSA should now be making contingencies for no disposal of non-legacy TRU in WIPP and for the impacted disposal of out-of-state non-legacy TRU in WIPP.

Additionally, on a visit to the SRS pit plant on April 21, 2026, plaintiffs than won the PEIS in federal court, were told that the SRS pit-production facility would have capacity, in the event of such things as transport or disposal issues, to store TRU on site for only 3 years. With the earlier WIPP closure in mind, it is totally unclear what would happen if there were to be no disposal option for non-legacy TRU produced by the SRS pit plant. If WIPP were to close for any length of time and then reopen, out-of-state TRU could be given less disposal priority.

At least NMED has almost 10 years before the SRS non-legacy out-of-state TRU waste-production hog starts demanding WIPP space that it might not be legally due.

I request that:

- 1) NMED clearly state that TRU from pit production is non-legacy TRU, and
- 2) Make clear if non-legacy TRU from pit production will be allowed into WIPP and how much of the 25% cap SRS pit TRU would make up IF such non-legacy out-of-state TRU were somehow allowed into WIPP.

Thank you for considering this comment. I will submit it for the draft PEIS record.

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