

For Immediate Release: September 8, 2026

Joint Press Release from: South Carolina Environmental Law Project, Savannah River Site Watch & Nuclear Watch New Mexico

Public Interest Groups Warn NNSA on Plutonium Giveaway

South Carolina – Today, the South Carolina Environmental Law Project (SCELP) sent a letter of demand to the Department of Energy (DOE) and its semi-autonomous agency, the National Nuclear Security Administration (NNSA), about their proposed unsound and dangerous management of U.S. plutonium. The letter notified them that they must comply with the federal National Environmental Policy Act (NEPA) requirement for public review of the Trump Administration’s troubling plan to give away 19.7 metric tons of nuclear weapons-grade plutonium to private corporations.

SCELP’S letter, on behalf of Nuclear Watch New Mexico, Savannah River Site Watch, and a private citizen who lives near the Savannah River Site (SRS) in South Carolina, outlines why NNSA must be held to its legal NEPA obligations. The letter describes how recently issued presidential executive orders:

...constitute a vast change in the prior decisions and purposes of the DOE/NNSA surplus plutonium disposition program that has been in place since at least 1996... This change is also contrary to the larger nuclear non-proliferation policy of the United States restricting the commercial use of plutonium that has been in place for approximately fifty years.

This action follows SCELP’s earlier NEPA lawsuit on behalf of SRS Watch and Nuclear Watch New Mexico. In a landmark settlement, that litigation successfully compelled the NNSA to prepare a nationwide programmatic environmental impact statement on the production of plutonium “pit” bomb cores for nuclear weapons (the “Pit Production PEIS”).

SCELP’s new letter of demand states as follows:

In a generally analogous NEPA situation, my clients are concerned that the Department of Energy and NNSA are radically changing course in their surplus plutonium disposition program without preparing a necessary supplemental programmatic environmental impact statement.

On May 23, 2025, President Trump issued Executive Order 14302 "Reinvigorating the Nuclear Industrial Base" which officially terminated DOE’s previous "dilute and dispose" program for excess weapons-grade plutonium. In that program, 40 metric tons of plutonium were to be treated as nuclear waste for underground disposal at the Waste Isolation Pilot Plant in New Mexico, as analyzed in several earlier NEPA documents.

President Trump’s 2025 decree directed DOE to establish a program to supply surplus plutonium in a form usable by the commercial sector—specifically for advanced nuclear technologies and small modular reactors. Notably, the Executive Order focused extensively on “recycling” and “reprocessing” spent nuclear fuel to remove plutonium for use in reactors. It then contemplated agreements “with domestic nuclear energy companies” that “implement methods to enhance the capacity to manage spent nuclear fuel, including the recycling and reprocessing of spent nuclear fuel...” Not only was this significant shift in policy done without required NEPA analysis, but there is no justified demand to use plutonium as nuclear fuel.

In addition to serious proliferation, environmental and radioactive waste concerns, this planned giveaway of weapons-grade plutonium is also linked to the increasingly controversial issues of artificial intelligence and data centers. Still hypothetical and

untested advanced nuclear reactors and speculative small modular reactors are being eyed to power future data centers across the country. This urgently underscores the need for a nationwide public programmatic review, which SCEL P's letter of demand seeks.

In May 2026, NNSA announced yet another major policy shift in the plutonium disposition program, again without mandated NEPA review. The government agency selected five private companies to receive the 19.7 metric tons of plutonium: Oklo Inc., Exody s Energy, Shine Technologies, Standard Nuclear, and Flibe Energy, Inc. The current Secretary of Energy, Chris Wright, had to resign from the Oklo board of directors to assume his job as the head of DOE. That continues to raise eyebrows as DOE funnels money to Oklo, a private corporation, for its ill-defined program which will purport to use some of the government's weapons-grade plutonium.

The Savannah River Site (SRS) in South Carolina is key to the Trump Administration's plans to give away weapons-grade plutonium to private corporations. As the SCEL P letter notes:

[I]n support of its new plutonium utilization program, DOE announced in March its 'decision to restart HB-Line operations at the Savannah River Site (SRS) in South Carolina.' This activity was stated to provide 'the capability to power America's nuclear future by recycling surplus plutonium and partnering with industry to produce uranium-plutonium mixed oxide (MOX) fuel for advanced nuclear reactors. The facility is an integral part of H-Canyon, the only chemical separations facility of its kind in the United States.'

This is ironic. DOE and NNSA have been on the Government Accountability Office's High Risk List for project mismanagement and waste of taxpayers' dollars ever since GAO started the List in 1991. An ill-conceived MOX Fuel Fabrication Facility at SRS—terminated in 2017—was a ~\$7 billion failure for which there has been no government accounting. That boondoggle plutonium MOX fuel facility is now being "repurposed" by NNSA into a new \$30 billion production facility to produce plutonium "pit" bomb cores for new-design nuclear weapons, which will be the most expensive building in U.S. history.

SCEL P's letter of demand concludes:

Before bringing suit on the Pit Production PEIS, my clients wrote to NNSA five times reminding the agency of its legal obligations under NEPA. They never received a response. It is my hope that we can avoid a similar predicament. My clients request that DOE and NNSA respond to this letter within 30 days. If NNSA and DOE do not elect to engage, my clients will evaluate what legal actions may be necessary and proceed accordingly.

Ben Cunningham, SCEL P Attorney, commented, "Since the mid '90s, DOE and NNSA have scrutinized how to address the surplus plutonium issue many times across several administrations. The public has been engaged in the process each time. NEPA continues to require that same level of scrutiny and public engagement before these agencies commit to a course of action that would place plutonium in private hands.

Tom Clements, Director of SRS Watch, added, "It is imperative that DOE and NNSA immediately halt questionable plans to introduce weapon-grade plutonium into civilian reactors and other nuclear facilities and affirm that it will now begin preparation of the legally required environmental review."

The Director of Nuclear Watch New Mexico, Jay Coghlan, concluded, "As nuclear threats increase around the world, the last thing we need is government giveaways of nuclear weapons-grade plutonium to private profit-seeking corporations. We are asking the NNSA nicely for the public review legally required by the National Environmental Policy Act. If it blows us off again like it did with the Pit Production PEIS, we'll discuss it with NNSA in

court.”

#

Contacts:

Tom Clements, Director, SRS Watch, 803-240-7268, [tomclements329\[at\]srswatch.org](mailto:tomclements329@srswatch.org);

Jay Coghlan, Nuclear Watch NM, 505-989-7342, [jay\[at\]nukewatch.org](mailto:jay[at]nukewatch.org)

Shelby Cohen, Comms Manager, SC Env. Law Project, 864.414.7726, [shelby\[at\]scelp.org](mailto:shelby[at]scelp.org)

About the nonprofit organizations: The South Carolina Environmental Law Project has used its legal expertise to protect land, water and communities across South Carolina since 1987. Savannah River Site Watch, based in Columbia, SC, works for the public interest by monitoring activities at the Savannah River Site. Nuclear Watch New Mexico, based in Santa Fe, NM, watchdogs plutonium pit production at both the Los Alamos Lab and SRS. Learn more at scelp.org/, srswatch.org/, and nukewatch.org/.

SCELP’s full letter of demand to DOE and NNSA is available at: bit.ly/scelpletter9-8-26

This press release is available online at: scelp.org/news/groups-warn-nnsa-on-plutonium-giveaway