



Savannah River Site Watch

**Savannah River Site Watch
Columbia, South Carolina
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Federal Court Hearing on State of Nevada’s “Preliminary Injunction” Request to Stop Unjustified Shipment of 1 Metric Ton of Plutonium from SRS to Nevada Set for January 17, 2019 in Reno, NV

Federal Judge in Nevada Denies DOE Request to “Stay” the State of Nevada’s Request for the “Preliminary Injunction” (PI) on Plutonium Shipment from SRS to NV, January 2, 2019

State of South Carolina Intervenes in Case, Requests it be Moved to SC Federal Court; State’s Original Effort to Help Failed MOX Project with Plutonium Removal now Moot given MOX Termination

See Key Court Documents Linked in “Notes” Below

Columbia, SC – The State of Nevada’s effort to stop the unjustified shipment of one metric ton of surplus weapon-grade plutonium from DOE’s Savannah River Site (SRS) in South Carolina to Nevada is set to take place in a hearing on January 17, 2019 in federal court in Reno, Nevada.

The hearing, mentioned in a court order posted in the docket, will focus on Nevada’s request for a “preliminary injunction” to halt the misguided plans by DOE’s National Nuclear Security Administration to package and move 1 metric ton of plutonium from SRS to the DOE’s Device Assembly Facility (DAF) at the Nevada National Security Site (NNSS) in Nevada. The plutonium designated for shipment is amongst ~13 metric tons of plutonium now stored in the old K-Reactor building at SRS.

The State of South Carolina’s effort to have the plutonium removed from SRS was part of a last-ditch effort to save DOE’s bungled plutonium fuel (MOX) project at SRS. Now that MOX termination is proceeding apace, with more layoffs announced on January 4 (see S.C. WARN Act notice [linked here](#)), the shipment of plutonium will do nothing to pressure DOE to continue the MOX project and planning for it should be halted, according to SRS Watch.

“The shipment of plutonium from SRS to Nevada serves no political or programmatic purpose whatsoever and given the security and environmental risks associated with planning for it the shipment must be immediately canceled,” according to Tom Clements, director of the public interest groups Savannah River Site Watch. “While the dilemma of what to do with the surplus weapons plutonium at SRS remains, all plutonium at SRS should remain at the site in secure storage and no additional shipments should be

allowed into the site,” added Clements. “We support the effort of the State of Nevada to block the senseless and risky shuttling of plutonium across the country for no justifiable reason.”

DOE was ordered by the federal district court in Columbia, South Carolina to move the material. Subsequently, DOE’s National Nuclear Security Administration (NNSA) prepared a cursory environmental document on the issue of the shipment and the “staging” of the plutonium at DAF. NNSA alleges that the plutonium will not be processed at DAF and that the final destination for it is the Los Alamos National Laboratory, for production of unneeded plutonium “pits” for nuclear weapons.

The State of Nevada sought the preliminary injunction against the shipment in a November 30, 2018 filing with United States District Court for the District of Nevada. On January 3, the State of South Carolina sought to intervene in the matter with the federal district court in Nevada, with an additional request that the proceeding be moved back to the federal district court in South Carolina.

On January 2, the Nevada court denied DOE’s request to “stay” the preliminary injunction and on January 4, NNSA filed its response to the State of Nevada’s preliminary injunction request.

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Notes:

1. United States District Court, District of Nevada (<https://www.nvd.uscourts.gov/>) “order” of January 2, 2019 (in Case No. 3:18-cv-569) denying US request to “stay of Plaintiff State of Nevada’s motion for preliminary injunction (“PI Motion”)” on plutonium shipment from SRS to Nevada National Security Site:

http://www.srswatch.org/uploads/2/7/5/8/27584045/nevad_district_court_order_jan_2_2019_dneing_pi_on_pu_shipment_from_srs.pdf

2. State of South Carolina’s “emergency motion” to intervene in NV federal court on plutonium shipment issue, January 3, 2019:

http://www.srswatch.org/uploads/2/7/5/8/27584045/state_of_sc_intervention_in_plutonium_shipment_nv_case_jan_3_2019.pdf

3. NNSA’s response to State of Nevada’s request for a “preliminary injunction” to stop plutonium shipment from SRS to Nevada National Security Site, January 4, 2019

http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa_reponse_to_pi_request_jan_4_2019_9047343-0--2199.pdf

4. State of Nevada filing with U.S. District Court for the District of Nevada, seeking court’s blocking of plutonium shipment from SRS to NV, Nov. 30, 2018:

[http://www.srswatch.org/uploads/2/7/5/8/27584045/nv v. us - usdc 3-18-cv-00569 - 11.30.18 - doc 1 - complaint nov 30 2018.pdf](http://www.srswatch.org/uploads/2/7/5/8/27584045/nv_v_us_-_usdc_3-18-cv-00569_-_11.30.18_-_doc_1_-_complaint_nov_30_2018.pdf)

5. Two orders from NV federal court in Case No. 3:18-cv-569 (State of NV opposition to SRS plutonium shipment), setting January 17 and January 9 hearing dates:

“MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du on 12/20/2018.

Defendants' motion for a two week extension of time (ECF No. [18](#)), which Plaintiff opposes, is granted. Defendants' response to Plaintiff's motion for preliminary injunction (ECF No. [2](#)) is due January 4, 2019.

Plaintiff's motion for preliminary injunction (ECF No. [2](#)) is set for oral argument on 1/17/2019 at 09:00 AM in Reno Courtroom 5 before Judge Miranda M. Du.

To the extent the parties request to present evidence at the hearing on Plaintiff's motion for preliminary injunction (ECF No. [2](#) ,) the parties are directed to coordinate exhibits and witnesses and file a status report with the Court no later than 7 days prior to the hearing. Counsel are directed to file exhibit lists and witness lists no later than 5 days prior to the hearing. Plaintiffs are to use numerals 1-499 and Defendants are to use numerals 500 and above. Counsel are further to provide the Court with a courtesy copy of all exhibits to be used in the hearing by delivering a thumb drive or CD to the Clerks Office in Reno for the Courts use no later than 2 days prior to the hearing.

(no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 12/20/2018)”

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“MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du on 1/4/2019. By Deputy Clerk: Peggie Vannozzi. An expedited briefing schedule is set for the State of South Carolina's emergency motion to intervene (ECF No. [25](#) .) Responses are due by 1/9/2019. Replies are due by 1/11/2019. **(no image attached)** (Copies have been distributed pursuant to the NEF - PAV) (Entered: 01/04/2019)”

6. NNSA's “Supplement Analysis for the Removal of 1 Metric Ton of Plutonium from the State of South Carolina to Nevada, Texas and New Mexico,” released August 31, 2018:

https://www.energy.gov/sites/prod/files/2018/08/f55/DOE%20EIS-0236-S4-SA-01_July%202018.pdf

7. SRS Watch release of new aerial photos of terminated MOX plant at SRS, January 4, 2019:

<https://tinyurl.com/y8y2ylvy>

SRS Watch on line:

<http://www.srswatch.org/>

<https://www.facebook.com/SavannahRiverSiteWatch>

<https://twitter.com/srswatch>