



Savannah River Site Watch

**Savannah River Site Watch  
For Immediate Release  
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**Contact: Tom Clements, cell 803-240-7268**

**DOE's NNSA Files Appeal of "Preliminary Injunction" Halting MOX Construction, Also Files Request for  
"Stay" of Preliminary Injunction –  
DOE Likely to Win and Proceed with Officially Terminating the MOX Debacle**

Columbia, SC – The U.S. Department of Energy has filed an appeal of the order by a federal district court halting temporary termination of the bungled plutonium fuel (MOX) project at SRS. On June 7, the court issued a "preliminary injunction" halting MOX termination and an appeal of that ruling had been expected.

The appeal was filed on June 15 with the United States Court of Appeals for the Fourth Circuit. DOE notified the federal district court in Columbia, SC of the filing.

Likewise, on June 15, DOE's National Nuclear Security Administration also filed a "MOTION TO STAY PRELIMINARY INJUNCTION PENDING APPEAL" with the district court. The stay motion rebuts various findings by the district court judge, J. Michelle Childs, and reveals that NNSA will mount a strong defense of its effort to terminate the mismanaged MOX project.

The two key filings were dated June 15 but believed to have been posted in the district court docket on June 18. The filings appear to set up a process by which the 4<sup>th</sup> circuit could uphold or vacate the preliminary injunction.

"With these filings, it is clear that DOE will fight in the courts to official terminate the dead-end MOX project," said Tom Clements, director of Savannah River Site Watch. "Congress had empowered DOE to terminate the MOX project and the federal judge in Columbia disregarded congressional intent and revealed that she knows little about the severe technical and funding problems that will prevent the MOX project from being carried out," added Clements. "As the project simply isn't viable, I predict that DOE will win on MOX termination both in the courts and in the current discussion in Congress about the fate of the mismanaged project."

DOE also filed a letter dated June 11, in which it revoked the “partial stop work order” it had issued on May 14 to begin MOX termination.

Key documents posted in docket of federal district court, Columbia SC:

DOE's NNSA appeals "preliminary injunction" halting MOX termination, dated June 15, 2018:

[http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa\\_appeal\\_june\\_15\\_2018.pdf](http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa_appeal_june_15_2018.pdf)

DOE files "MOTION TO STAY PRELIMINARY INJUNCTION PENDING APPEAL," June 15, 2018:

[http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa\\_request\\_for\\_stay\\_june\\_15\\_2018.pdf](http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa_request_for_stay_june_15_2018.pdf)

DOE vacates partial stop work order on MOX project, dated June 11, 2018:

[http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa\\_halt\\_partial\\_stop\\_work\\_order\\_june\\_11\\_2018.pdf](http://www.srswatch.org/uploads/2/7/5/8/27584045/nnsa_halt_partial_stop_work_order_june_11_2018.pdf)