



ALAN WILSON
ATTORNEY GENERAL

May 22, 2018

The Honorable Rick Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., NW
Washington, D.C. 20585

Dear Secretary Perry:

On behalf of the State of South Carolina, please allow this letter to serve as notice of the imminent filing of litigation against the United States, the Department of Energy, the National Nuclear Security Administration, and their respective officers in their official capacities by the State of South Carolina. Specifically, South Carolina is challenging the certification issued by Secretary Perry dated May 10, 2018, that purports to terminate the MOX Project at the Savannah River Site in South Carolina.

South Carolina is disappointed that DOE continues to move forward on a path that fails to comply with governing law and fails to honor the commitments made to the State. Instead, DOE has chosen a path that would render South Carolina the nation's "dumping ground" for plutonium. DOE's latest proposal includes sending an additional 26 plus metric tons of plutonium to South Carolina, but DOE does not have a viable, feasible, or credible disposition pathway. Among other reasons, this means the issuance of the May 10 certification is illegal, violates governing statutory law, and is arbitrary and capricious and unsupportable by the facts.

The State of South Carolina intends to file this lawsuit no later than Friday and also seek preliminary injunctive relief on an expedited basis. DOE has indicated its intention to formally issue a stop work order on the MOX Project on or about June 11, leaving the State no choice but to seek legal redress immediately.

If you would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Alan Wilson

cc: The Honorable Henry D. McMaster
South Carolina Congressional Delegation