

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

SAVANNAH RIVER SITE WATCH, TOM
CLEMENTS, THE GULLAH/GEECHEE SEA
ISLAND COALITION, NUCLEAR WATCH
NEW MEXICO, and TRI-VALLEY
COMMUNITIES AGAINST A RADIOACTIVE
ENVIRONMENT,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
ENERGY, JENNIFER GRANHOLM, in her
official capacity as the Secretary, The
NATIONAL NUCLEAR SECURITY
ADMINISTRATION and JILL HRUBY,
Administrator,

Defendants.

No. 1:21-cv-01942-MGL

**SECOND DECLARATION OF
NNSA ADMINISTRATOR, JILL
HRUBY, IN SUPPORT OF
DEFENDANTS' POSITION ON
REMEDIES**

I, JILL HRUBY, declare the following:

1. I previously executed a declaration in this case and my qualifications are set forth therein. *See* ECF No. 190-1. In short, I am the Under Secretary for Nuclear Security for the United States Department of Energy, the Administrator for Nuclear Security and lead the National Nuclear Security Administration (NNSA), and a member of the Nuclear Weapons Council (NWC).

2. The purpose of this Declaration is to provide the Court with important information on the impact of delay with respect to the expanded pit production mission at Los Alamos National Laboratory (LANL) in New Mexico and at the Savannah River Site (SRS) in South Carolina. The statements and professional judgments made herein are based on my experience and personal knowledge of information (both unclassified and classified) made

available to me as NNSA Administrator and as a member of the NWC. I provided only non-classified information in this declaration, but my personal knowledge and opinions are based on both unclassified and classified information.

3. I have reviewed General Cotton's Declaration, dated November 13, 2024, and agree that enjoining any critical path work, which will result in lengthy delays to the expanded pit production mission at LANL and SRS, will pose an unacceptable risk to national security.

4. While any delay poses risk to NNSA's ability to deliver war-reserve plutonium pits to the military in a timely manner, I took seriously the Court's order directing the parties to reach compromise on a remedy in the above-styled case. I directed my staff, through NNSA's General Counsel, to search for areas of compromise to offer to the Plaintiffs.

5. I am familiar with the five (5) scopes of work the subject matter experts on my staff identified, which they believe can be enjoined without posing intolerable risks to national security and wreaking significant economic harm. I initially only authorized my staff to compromise on two of these scopes of work, given very real concerns about whether enjoining more scopes of work would delay the production of pits; however, after several rounds of negotiations with Plaintiffs, I ultimately authorized my staff to offer all five of these scopes of work to: (1) ensure NNSA was negotiating in good faith, and (2) to comply with the Court's order.

6. The five scopes of work are as follows:

- a. Until the PEIS is complete and a ROD is issued, NNSA will not begin the following 3 projects:

- i. **Classified Equipment Installations in the Main Process Building**
 - the project will not install classified equipment into the Main Process Building. (The project will procure, and store classified equipment on-site or appropriate location).
 - ii. **Waste Storage RCRA Waste/DOT Inspection Station** – the project will not start field construction of this facility. It will install a mud mat and run underground utilities up to the area where the facility will be constructed. (The project will continue with the design and purchase of material, equipment, and components needed to start field installation, including any fabrication supported by the design documents).
 - iii. **Waste Characterization Lab in the former Waste Solidification Building** – the project will not start constructing the Waste Characterization Lab in the former Waste Solidification Building (but will complete design and procurement of all components/materials needed for construction).
- b. If the PEIS is not complete and a ROD is not issued by June 1, 2028, NNSA will not start construction, or if started NNSA will cease construction on the **Construction Maintenance Building**; and
 - c. If the PEIS is not complete and a ROD is not issued by June 1, 2028, NNSA will not construct or will cease construction on the **Vehicle Entry Control Facility** (excluding underground utilities, mud mat, utilities ran to build of lines).

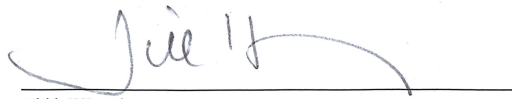
7. Enjoining the first two scopes of work in that list will be less disruptive to NNSA's national security mission than enjoining the last three. As you progress down the list, each scope of work gains more importance. However, if absolutely necessary but nevertheless more impactful to the pit production mission, the Court could enjoin all five.

8. In my professional judgment, though, enjoining anything beyond these five activities would pose an unacceptable risk to national security. I cannot authorize my staff to offer any points of compromise that would pose unacceptable risks to national security. Moreover, project management is by no means an exact science, it would be preferable (and best for the pit production mission) if NNSA could retain the ability to propose the exchange of the activities identified herein if the exigencies of construction, the project or program dictate a change.

9. With respect to the National Environmental Policy Act (NEPA), let me be clear that the National Nuclear Security Administration and the Department of Energy place great emphasis on environmental stewardship, and understand and appreciate the importance of the NEPA. Thus, I fully support any further NEPA analysis as an appropriate remedy in this case. Enjoining any of the five aforementioned scopes of work until a new programmatic EIS is completed will ensure that NNSA cannot produce any plutonium pits at Savannah River until it considers the nationwide effects of a two-site pit production strategy and considers a full-range of alternatives for production sites.

I declare under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 5 day of December 2024.

A handwritten signature in dark ink, appearing to read "Jill H", is written over a horizontal line.

Jill Hruby

Under Secretary for Nuclear Security of the United
States Department of Energy and Administrator of
the National Nuclear Security Administration