1	DAYLE ELIESON		
2	United States Attorney, District of Nevada GREG ADDINGTON		
3	Assistant United States Attorney		
4	400 South Virginia Street, Suite 900 Reno, NV 89501		
5	(775) 334-3347		
6	JEAN E. WILLIAMS		
7	Deputy Assistant Attorney General DAVID L. NEGRI, Trial Attorney		
8	U.S. Department of Justice		
9	Environment and Natural Resources Div. c/o U.S. Attorney's Office		
	800 Park Blvd., # 600		
10	Boise, Idaho 83712		
11	(208) 334-1936		
12	david.negri@usdoj.gov		
13	Attorneys for the United States of America and all Defendants		
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16 17	FOR THE DISTRI STATE OF NEVADA,		Case No. 3:18-cv-569-MMD-CBC  DECLARATION OF DAVID L.
16 17 18	FOR THE DISTRI STATE OF NEVADA,  Plaintiff,  vs.  UNITED STATES; UNITED STATES		Case No. 3:18-cv-569-MMD-CBC  DECLARATION OF DAVID L. NEGRI IN SUPPORT OF THE UNITED STATES' UNOPPOSED
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I, David L. Negri, declare as follows:

- 1. I am the primary attorney assigned by the United States Department of Justice as counsel in this matter.
- 2. As part of my duties, I am preparing the Defendants' Response to Plaintiffs' Motion For Preliminary Injunction (ECF No. 1-20) ("Response").
- 3. I have reviewed the Court's Local Rules, and am familiar with the page limits provided in LR 7-3 as well as the Court's caution that motions to exceed page limits are looked upon with disfavor.
- 4. Particularly in light of this caution, I have attempted to keep the United States' Response within the 24-page page limit.
- 5. Nevertheless, I am requesting that the page limit be enlarged to 29 pages to allow the United States to fully explain its position in its Response, based on the following reasons.
- 6. This matter involves a request by Plaintiff for the Court to enjoin the possible shipment of plutonium to Nevada by the United States Department of Energy ("DOE"), claiming that DOE has not complied with the requirements of the National Environmental Policy Act ("NEPA"). Any possible plutonium shipment will occur to comply with a previous order issued by the federal District Court for the District of South Carolina.
- DOE has an extensive history of examining under NEPA the environmental effects of transporting, storing, disposing of, and reusing plutonium. To this end, DOE has previously issued numerous detailed and voluminous Environmental Impact Statements to comply with NEPA.
- 8. To effectively respond to Plaintiff's Motion, it is necessary that the United States explain this NEPA history and background.
- 9. To effectively respond to Plaintiff's Motion, it is also necessary that the United States explain the history of plutonium storage and use at the Nevada National Security Site, the destination for any possible plutonium transfer.
- 10. To effectively respond to Plaintiff's Motion, it is also necessary that the United States explain the previous communications between the United States and Nevada related to this

issue. 11. In order to provide this history and background, as well as respond to the specific arguments made by Nevada in its Motion, an enlargement of the 24-page page limit is required. 12. To the best of his ability, undersigned counsel has attempted to limit the length of the United States' Response while still attempting to effectively response to Nevada's Motion. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on January 2, 2019 By: /s/ David L. Negri David L. Negri 

**CERTIFICATE OF SERVICE** 1 2 I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court on January 2, 2019, and served using the CM/ECF system upon the following 3 parties/attorneys of record: 4 **Charles J Fitzpatrick** 5 Egan Fitzpatrick Malsch & Lawrence PLLC 6 7500 Rialto Blvd., Building 1, Suite 250 7 Austin, TX 78735 210-496-5001 8 Email: cfitzpatrick@nuclearlawyer.com 9 **Daniel P Nubel** 10 Nevada Office of the Attorney General 11 100 N. Carson St. Carson City, NV 89701 12 775-684-1225 Fax: 775-684-1108 13 Email: dnubel@ag.nv.gov 14 John W Lawrence 15 Egan Fitzpatrick Malsch & Lawrence PLLC 7500 Rialto Blvd. 16 Building 1, Suite 250 17 Austin, TX 78735 210-496-5001 18 Email: jlawrence@nuclearlawyer.com 19 Marta A. Adams 20 Nevada Attorney General 100 North Carson Street 21 Carson City, NV 89701-4717 22 775 6841237 Fax: 775 6841103 23 Email: madams@ag.nv.gov 24 Martin G Malsch 25 Egan Fitzpatrick Malsch & Lawrence 1776 K Street, NW 26 2nd Floor 27 Washington, DC 20006 202-466-3106 28 Email: mmalsch@nuclearlawyer.com DECLARATION OF DAVID L. NEGRI IN SUPPORT OF THE UNITED STATES'

**UNOPPOSED MOTION TO EXCEED PAGE LIMITS - Page 3** 

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2	C. Wayne Howle		
3	Nevada Attorney General's Office 100 N Carson St		
4	Carson City, NV 89701-4717 (775) 684-1227		
5	Fax: (775) 684-1108		
6	Email: whowle@ag.nv.gov		
7			
8			
9			
10	/s/ David L. Negri David L. Negri		
11	United States Department of Justice		
12	Environment & Natural Resources Division david.negri@usdoj.gov		
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