



1 I, David L. Negri, declare as follows:

2 1. I am the primary attorney assigned by the United States Department of Justice as  
3 counsel in this matter.

4 2. As part of my duties, I am preparing the Defendants' Response to Plaintiffs'  
5 Motion For Preliminary Injunction (ECF No. 1-20) ("Response").

6 3. I have reviewed the Court's Local Rules, and am familiar with the page limits  
7 provided in LR 7-3 as well as the Court's caution that motions to exceed page limits are looked  
8 upon with disfavor.

9 4. Particularly in light of this caution, I have attempted to keep the United States'  
10 Response within the 24-page page limit.

11 5. Nevertheless, I am requesting that the page limit be enlarged to 29 pages to allow  
12 the United States to fully explain its position in its Response, based on the following reasons.

13 6. This matter involves a request by Plaintiff for the Court to enjoin the possible  
14 shipment of plutonium to Nevada by the United States Department of Energy ("DOE"), claiming  
15 that DOE has not complied with the requirements of the National Environmental Policy Act  
16 ("NEPA"). Any possible plutonium shipment will occur to comply with a previous order issued  
17 by the federal District Court for the District of South Carolina.

18 7. DOE has an extensive history of examining under NEPA the environmental  
19 effects of transporting, storing, disposing of, and reusing plutonium. To this end, DOE has  
20 previously issued numerous detailed and voluminous Environmental Impact Statements to  
21 comply with NEPA.

22 8. To effectively respond to Plaintiff's Motion, it is necessary that the United States  
23 explain this NEPA history and background.

24 9. To effectively respond to Plaintiff's Motion, it is also necessary that the United  
25 States explain the history of plutonium storage and use at the Nevada National Security Site, the  
26 destination for any possible plutonium transfer.

27 10. To effectively respond to Plaintiff's Motion, it is also necessary that the United  
28 States explain the previous communications between the United States and Nevada related to this

1 issue.

2 11. In order to provide this history and background, as well as respond to the specific  
3 arguments made by Nevada in its Motion, an enlargement of the 24-page page limit is required.

4 12. To the best of his ability, undersigned counsel has attempted to limit the length of  
5 the United States' Response while still attempting to effectively response to Nevada's Motion.

6  
7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
8 and correct to the best of my knowledge, information, and belief.

9  
10 Executed on January 2, 2019

By: /s/ David L. Negri  
David L. Negri

**CERTIFICATE OF SERVICE**

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 parties/attorneys of record:

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