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21 **IN THE UNITED STATES DISTRICT COURT**
22 **FOR THE DISTRICT OF NEVADA**

23 STATE OF NEVADA,
24 Plaintiff,
25 vs.
26 UNITED STATES; *et al.*,
27 Defendants.
28

Case No. 3:18-cv-00569-MMD-CBC

JOINT STATUS REPORT

1 Plaintiff, the State of Nevada, by and through counsel, hereby files this Joint
2 Status Report. This Joint Status Report has been approved as to content and form by and
3 through counsel for Defendants, the United States, United States Department of Energy,
4 Rick Perry, Secretary of Energy in his official capacity, the National Nuclear Security
5 Administration, and Lisa E. Gordon, in her official capacity as Administrator of the
6 National Nuclear Security Administration. This Joint Status Report is filed to comply
7 with this Court's December 20, 2018, Minute Order (ECF No. 19), which stated, "the
8 parties are directed to coordinate exhibits and witnesses and file a status report with the
9 Court no later than 7 days prior to the hearing." The Joint Status Report will outline
10 Plaintiff and Defendants' exhibits, witnesses, and requested procedures.

11 As a preliminary matter, the parties mutually request that the Court permit
12 opening arguments prior to hearing evidence. Specifically, the parties request that
13 Plaintiff be given an opportunity to give an opening statement, followed by the
14 Defendants' opening statement, and then the Plaintiff be given a rebuttal (subject to the
15 Court's discretion). Similarly, the parties request the opportunity to give a closing
16 statement after the evidence is presented.

17 I. EXHIBITS

18 A. Plaintiff's Exhibits

- 19 1. Supplement Analysis for the Removal of One Metric Ton of Plutonium from
20 the State of South Carolina to Nevada, Texas, and New Mexico.
- 21 2. 1999 Final Surplus Plutonium SEIS.
- 22 3. 2013 Final Site-wide Environmental Impact Statement for the Nevada
23 National Security Site.
- 24 4. 2008 Programmatic Transformation SPEIS.
- 25 5. 2015 Final Surplus Plutonium SEIS Final Surplus Plutonium Disposition
26 Supplemental Environmental Impact Statement.
- 27 6. Final Environmental Impact Statement for the Continued Operation of the
28 Pantex Plant and Associated Storage of Nuclear Weapon Components.

1 7. Gunter Declaration in *South Carolina v. U.S.*, 2017 WL 7691885 (D.S.C.
2 Dec. 20, 2017).

3 8. NAS Interim Report.

4 9. DOE Standard Stabilization, Packaging, and Storage of Plutonium Bearing
5 Materials.

6 10. Map excerpted from the 2013 Site-wide Environmental Impact Statement for
7 the Nevada National Security Site.

8 11. U.S. GAO – High Risk: U.S. Government’s Environmental Liability (2017
9 High Risk Report).

10 12. 2018 Nuclear Posture Review

11 13. Governor Sandoval’s Letter dated November 9, 2018.

12 14. Governor Sandoval’s Letter dated September 28, 2018.

13 15. Plutonium Response Letter from DOE dated November 20, 2018.

14 **B. Defendants’ Exhibits**

15 500. Supplemental Analysis for the Removal of One Metric Ton of Plutonium
16 From the State of South Carolina to Nevada, Texas, and New Mexico (US Exhibit 1 to
17 United States’ Response to Motion for Preliminary Injunction, “Supplemental
18 Assessment”).

19 501. Final Site-Wide Environmental Impact Statement for the Continued
20 Operation of the Department of Energy/National Security Administration Nevada
21 National Security Site and Off-Site Locations in the State of Nevada (US Exhibit 2 to
22 United States’ Response to Motion for Preliminary Injunction, “NNSS EIS”).

23 502. Surplus Plutonium Disposition Final Environmental Impact Statement
24 (US Exhibit 3 to United States’ Response to Motion for Preliminary Injunction, “Surplus
25 Plutonium EIS”)

26 503. Final Complex Transformation Supplemental Programmatic Environmental
27 Impact Statement (US Exhibit 4 to United States’ Response to Motion for Preliminary
28 Injunction, “Transformation SPEIS”).

1 **B. Defendants' Witnesses**

2 1. William Harris Walker, Director of Intergovernmental Affairs at the
3 National Nuclear Security Administration.

4 DATED this 10th day of January, 2019.

5 AARON D. FORD
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12 By: /s/ Marta Adams
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17 By: /s/ Martin G. Malsch
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20 *Approved as to Form and Content:*

21 By: /s/ David L. Negri
22 DAVID L. NEGRI
23 Trial Attorney, U.S. Department of Justice
24 *Counsel for United States of America and All Defendants*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 10th day of January, 2019, I served a true and correct copy of the foregoing JOINT STATUS REPORT, by U.S. District Court CM/ECF electronic service to:

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Counsel for the State of South Carolina

/s/ Dorene A. Wright

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