

**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,)

No. 1:21-cv-01942-MGL

Plaintiffs,)

v.)

**DECLARATION OF
TOM CLEMENTS**

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

Defendants.)

PERSONALLY APPEARED BEFORE ME, Tom Clements, who being duly sworn, states as follows:

1. This Declaration is based on my personal knowledge, information, and belief. I am over the age of eighteen (18) and suffer from no legal incapacity.
2. I am the Director of Savannah River Site Watch (“SRS Watch”), which is a duly registered 501(c)(3) non-profit organization based in Columbia, South Carolina. The mission of SRS Watch is to monitor programs and policies being pursued by the United States Department of Energy (“DOE”), with a focus on activities at the Savannah River Site (“SRS”) located near Aiken, South Carolina. SRS Watch engages in research, public outreach, preparation

of formal oral and written public comments in DOE proceedings, frequent filing of Freedom of Information Act requests on SRS matters (including on programs concerning plutonium management and pit production) and advocacy and education, including with citizens who live near SRS.

3. SRS is a site designated on the “Superfund” National Priorities List since 1989 by the Environmental Protection Agency. SRS Watch, whose focus on SRS is unique amongst conservation and public-interest organizations in South Carolina and Georgia, educates and encourages members of the public to participate in public meetings held on SRS issues, including on the plutonium pit issue, and advocate to both appointed and elected officials.
4. SRS Watch has submitted comments on the National Environmental Policy Act (“NEPA”) documents prepared by DOE and the National Nuclear Security Administration (“NNSA”) on pit production at SRS in South Carolina and at the Los Alamos Nuclear Laboratory (“LANL”) in New Mexico. It has filed various Freedom of Information Act requests with DOE and NNSA on plutonium pit production and plutonium disposition, organized public participation and comments, and informed the public about DOE’s and NNSA’s operations and future plans. Additionally, in accordance with its mission, in 2019 SRS Watch sponsored two well-attended public forums on the pit issue in Aiken, South Carolina to educate the public on DOE’s and NNSA’s pit production plans and the absence of a new or supplemental Programmatic Environmental Impact Statement (“PEIS”) for the significant change in the pit-production program, to include both LANL and SRS as pit-production sites, as announced by NNSA and the Department of Defense on May 10, 2018.
5. A key component for SRS Watch to effectively carry out its mission is the availability of information regarding programs and activities at SRS and other DOE sites. SRS Watch is

directly harmed by Defendants' failure to prepare a PEIS because it constitutes the deprivation of environmental information and analysis to which it is legally entitled and directly frustrates its mission by preventing it from adequately educating the public and monitoring DOE activities and programs.

6. The absence of a PEIS evaluating the program-wide and cumulative effects on the environment and the public's health and safety from plutonium pit production at both SRS and LANL as well as impacts at other DOE sites will necessitate the diversion of SRS Watch resources to obtain such information and disseminate it to the public. This information on environmental and human health impacts is essential to SRS Watch fulfilling its purpose.
7. I live approximately 50 miles from the northeastern boundary of SRS, and I have been involved in SRS issues since the 1970s with various public-interest organizations. I regularly attend numerous public meetings on SRS matters held in the Aiken, South Carolina area (or virtually) by DOE, the SRS Citizens Advisory Board ("SRS CAB"), the South Carolina Nuclear Advisory Council ("NAC"), and, on occasion, the South Carolina Department of Health and Environmental Control ("SCDHEC"). I have monitored and submitted comments on the current pit-production proposal since its inception in 2018.
8. I have visited SRS on many occasions and recreated in natural areas adjacent to or near SRS, including the Crackerneck Wildlife Management Area and Ecological Reserve, located within the boundary of SRS, owned by DOE, and managed by the South Carolina Department of Natural Resources. I also regularly visit Audubon's Silver Bluff Sanctuary located nearby on the Savannah River. Though public access to Crackerneck is limited and the site is open but a few days a year, I visited the site in 2022 and 2023. The Audubon

Sanctuary is freely accessed by the public and I recreate there several times per year. To reach the Audubon site and for other reasons, I use the federal road that traverses the northern portion of SRS. DOE's and NNSA's decision to initiate plutonium pit production at SRS will detrimentally affect my recreational enjoyment of both Crackerneck and the Audubon Sanctuary because of health and safety concerns triggered by pit production. In addition, the failure to prepare a PEIS deprives me of information that I am entitled to under NEPA, and the absence of such information will deprive me of the ability to make choices regarding the safety of visiting and recreating in both Crackerneck and the Audubon Sanctuary.

9. For the past 15 years, I have regularly attended DOE meetings, often in close proximity to SRS, which primarily include 2-day quarterly meetings of the SRS CAB. The SRS CAB makes recommendations to DOE's Office of Environmental Management on issues pertaining to management and clean-up of nuclear and hazardous waste at SRS, including storage and disposition of surplus plutonium. The SRS CAB has in the past few years met in the City of New Ellenton, South Carolina about a mile from the northern boundary of SRS, and the subcommittees of SRS CAB still meet in DOE's meeting center on Silver Bluff Road between Aiken, South Carolina, and SRS. I have also attended many SRS CAB meetings in Aiken, South Carolina, Hilton Head Island, South Carolina, North Augusta, South Carolina, Augusta, Georgia, and Savannah, Georgia. I have been a main public participant in the meetings of the SRS CAB and its subcommittees during the last 15 years. Additionally, over that period, I have attended approximately 20 meetings held near SRS by DOE on EIS preparation on various issues or on regulation of DOE's now-terminated Mixed Oxide Facility ("MOX") project by the United States Nuclear Regulatory

Commission (“NRC”). Those NRC meetings, as well as an occasional SRS CAB meeting, were held in the research park affiliated with the Savannah River National Laboratory, which houses the Hydrogen Technology Research Laboratory, located adjacent to the northern boundary of SRS, thus bringing me even closer to the site. I was last on SRS on a DOE public tour of the site on January 18, 2024.

10. All in all, I have spent a great deal of time near SRS for both professional and recreational reasons. With every visit I make to SRS and the nearby areas, I consider the risks associated with being present on or near the site. Should DOE or NNSA fail to comply with NEPA and fail to conduct a new or supplemental PEIS, I will be dissuaded from conducting the professional and recreational activities that I currently undertake.
11. I regularly travel on Interstate 20 (I-20) between Columbia, South Carolina and Atlanta, Georgia, the main DOE transport corridor between SRS and LANL, where plutonium will be shipped to SRS for processing. Then, plutonium waste (“transuranic waste”) will be transported on I-20 as the waste is shipped back to New Mexico for disposal at the Waste Isolation Pilot Plant (“WIPP”). Shipments of plutonium between SRS and DOE’s Pantex site in Texas, where plutonium pits will be temporarily stored prior to shipment to SRS for processing, if the SRS pit project proceeds as planned, will also utilize this section of I-20. While in-transit accident risks, or radiation exposure risks due to terrorist attacks seeking to obtain nuclear weapons materials, or seeking to expose the public to radiation from wastes, to myself and the traveling public may be small, they nonetheless exist, as confirmed by emergency preparation by state authorities and the security escorts that accompany all such transports (and with which I am familiar, in part as I monitored movement of a plutonium fuel shipment from Charleston, South Carolina to SRS in 2005)

and an increase in transportation of plutonium materials between various DOE sites throughout the country also increases these risks.

12. In a 2020 report, the Defense Nuclear Facilities Safety Board (“DNFSB”) identified a danger from incompatibly mixed radioactive transuranic waste drums at Los Alamos. Transuranic waste will also be stored, at least temporarily, at SRS as a result of the pit production processing. According to the DNFSB report, transuranic waste that is improperly stored could expose me or other members of SRS Watch to harmful doses of radiation if on site at SRS or in the vicinity if such a release were to occur due to “energetic chemical reactions.” The NEPA analyses at issue here did not evaluate the potential environmental effects from transuranic waste storage at SRS that could generate the type of radiation exposures discussed in the DNFSB report.
13. In the event of a serious accident at the pit facilities at SRS, offsite populations, including individuals who live, travel, and/or recreate in the vicinity of SRS, myself included, would be at risk of exposure to the negative health and safety impacts of the release of radioactive and hazardous materials inherent in the production of plutonium pits. In the EIS on pit production at SRS, NNSA has estimated from production of 50 pits per year that there would be 77 TRU shipments per year from SRS to WIPP. Though the number of shipments per year is classified, NNSA lists 6 pit shipments per year from Pantex to SRS at the 50 pits per year level. Such shipments annually could involve a minimum of about 200 kilograms of plutonium, a material that is flammable and highly dispersible. Significantly, the SRS EIS fails to discuss details of purification at SRS, or at another site, of pit material shipped from Pantex, a process that involves risks beyond mere storage.

14. I may also be injured because it is likely that transuranic waste created from the proposed increase in pit production at SRS may not be capable of being disposed at the Waste Isolation Pilot Plant in a timely manner due to lack of capacity and will therefore be kept at SRS which could, as stated above, pose an increased risk of radiation exposure.
15. In June of 2022, I experienced increased earthquake activity in South Carolina that creates a concern about potential impacts to pit production and plutonium storage at SRS. These concerns must be addressed in a new or supplemental PEIS so that I can properly understand the risks that will affect me and how those risks might continue to evolve.

Further the Affiant sayeth not.

Tom Clements

Tom Clements

SWORN before me this 30th day of April, 2024.


Notary Public for South Carolina

My Commission Expires: 12/28/28

SARA McBRIDE
Notary Public, State of South Carolina
My Commission Expires 12/28/2028

