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11 *Attorneys for the United States of America*  
12 *and all Federal Defendants*

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF NEVADA

15 STATE OF NEVADA, ) Case No. 3:18-cv-569-MMD-CBC  
16 )  
17 Plaintiff, )  
18 )  
19 vs. ) **UNITED STATES' NOTICE OF**  
20 ) **NEW INFORMATION**  
21 UNITED STATES; UNITED STATES )  
22 DEPARTMENT OF ENERGY; RICK )  
23 PERRY, in his official capacity as Secretary )  
24 of Energy; NATIONAL NUCLEAR )  
25 SECURITY ADMINISTRATION; and )  
26 LISA E. GORDON, in her official capacity )  
27 as Administrator of the National Nuclear )  
28 Security Administration and Undersecretary )  
for Nuclear Security, )  
Defendants. )  
\_\_\_\_\_ )

1           Undersigned counsel notifies the Court that they recently received new information  
2 regarding the shipment of plutonium at issue in this proceeding. Such information is described  
3 in the attached Declaration of Bruce M. Diamond. The United States has shared this information  
4 with the plaintiff, State of Nevada.

5           Respectfully submitted, January 30, 2019

6   Jean E. Williams  
7   United States Department of Justice  
8   Deputy Assistant Attorney General

9   /s/ David L. Negri  
10    David L. Negri, Trial Attorney  
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13    *Attorneys for the United States of America*  
14    *and all Federal Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was electronically filed on January 30, 2019, with the Clerk of the Court and served using the CM/ECF system upon the following parties/attorneys of record:

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*/s/ David L. Negri* \_\_\_\_\_  
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14 FOR THE DISTRICT OF NEVADA

15 STATE OF NEVADA, )

Case No. 3:18-cv-569-MMD-CBC

16 Plaintiff, )

17 vs. )

**DECLARATION OF BRUCE M.  
DIAMOND**

18 UNITED STATES; UNITED STATES )  
19 DEPARTMENT OF ENERGY; RICK )  
20 PERRY, in his official capacity as Secretary )  
21 of Energy; NATIONAL NUCLEAR )  
22 SECURITY ADMINISTRATION; and )  
23 LISA E. GORDON, in her official capacity )  
24 as Administrator of the National Nuclear )  
25 Security Administration and Undersecretary )  
26 for Nuclear Security, )

27 Defendants. )  
28

1 I, Bruce M. Diamond, declare as follows:  
2

3 1. I am the General Counsel for the National Nuclear Security Administration (“NNSA”).  
4

5 2. After further review of the unusual circumstances surrounding the shipment of plutonium to  
6 Nevada in compliance with the injunction issued by the U.S. District Court in South Carolina  
7 and the need to protect national security while providing as much transparency as feasible, the  
8 Department of Energy (“DOE”) has determined that certain information relevant to the Nevada  
9 litigation is now declassified and it may now provide additional information to the Court and the  
10 parties.  
11

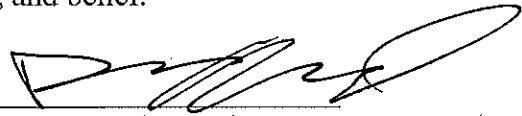
12 3. In order to provide security for its shipments of these kinds of materials DOE normally will  
13 not release information about the status of the shipment(s) until sometime after the shipping  
14 “campaign” is concluded. The agency originally determined that all shipments related to  
15 compliance with the order of the U.S. District Court in South Carolina constituted one campaign.  
16 After due consideration, and in light of the factors set out above, DOE has now decided that it  
17 may consider the shipment of plutonium to Nevada under the court order as a separate campaign.  
18

19 4. Because sufficient time has now elapsed after conclusion of this campaign, DOE may now  
20 publicly state that it has completed all shipment of plutonium (approximately ½ metric ton) to  
21 Nevada pursuant to its efforts to comply with the South Carolina U.S. District Court order.  
22 Although the precise date that this occurred cannot be revealed for reasons of operational  
23 security, it can be stated that this was done before November 2018, prior to the initiation of the  
24 litigation.  
25  
26  
27  
28

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

3 Executed on January 30, 2019

By:



4 Bruce M. Diamond  
5 General Counsel  
6 National Nuclear Security Administration  
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*/s/ David L. Negri* \_\_\_\_\_  
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