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Gov. Nikki Haley, Attorney General Alan Wilson, Announce MOX Lawsuit *South Carolina Files Suit Against Department of Energy*

COLUMBIA, S.C. – Gov. Nikki Haley today joined U.S. Congressman Joe Wilson (SC-02), Attorney General Alan Wilson, and members of the Aiken delegation to announce a lawsuit filed by the Attorney General on behalf of the state of South Carolina against the U.S. Department of Energy (DOE), Secretary Ernest Moniz, and the National Nuclear Security Administration (NNSA) in regards to the Mixed oxide fuel (MOX) project.

The lawsuit comes as a response to President Obama and the NNSA moving to place the MOX project at the Savannah River Site on “cold stand-by” – essentially shutting it down by executive command. Congress passed a law in 2002 mandating that the MOX project be built at the Savannah River Site in Aiken County and committed funding for the project every year.

“We’ve seen this happen with Yucca Mountain and now we’re seeing it at the MOX facility,” said Gov. Nikki Haley. “This is President Obama saying that he’s going to follow the rules that he wants to follow and ignore the rules he doesn’t want to follow and it’s hurting the people of South Carolina. We’re here today, with a unified force, to make sure this administration knows that we’re going to fight to protect the Savannah River Site and all of South Carolina.”

“I very much appreciate Governor Haley and Attorney General Wilson filing this lawsuit against the Obama Administration,” said U.S. Senator Lindsey Graham. “It’s the right thing to do and I appreciate them taking this important step. Make no mistake about it, President Obama’s budget submission to Congress is both irresponsible and reckless. His decision to dramatically reduce funding for the MOX program to a point that raises serious questions about its viability represents a fundamental breach of trust with the residents of South Carolina. As a member of the Senate Appropriations Committee, I will be focused on restoring funding for the MOX facility in this year’s appropriations bill. Ensuring a pathway out of the state for this weapons-grade plutonium is a top priority for me.”

President Obama’s latest budget proposal calls for freezing the project’s funding entirely. According to the suit, not moving forward with this project violates federal laws meant to protect South Carolina. Additionally, this will have a direct negative impact on the 1,800 employees at the MOX facility and the approximately 13

metric tons of plutonium currently located at the site.

"The Obama administration is, yet again, attempting to circumvent Congress, this time by shutting down the MOX program without a clear or viable alternative," said U.S. Senator Tim Scott. "The President is also breaking a promise to the state and people of South Carolina, who entered into a contractual commitment to host the MOX facility which stated the nuclear material would be processed into usable fuel for commercial power reactors – not sit in South Carolina indefinitely. The federal government could also be obligated to pay hundreds of millions of dollars in fines to the state if this project is not completed, and simultaneously give Russia an excuse to break a critical nuclear arms control agreement."

"I've been very grateful to be able to work with the other members of our federal delegation in securing funds for the MOX project," said U.S. Congressman Joe Wilson. "Now the Obama administration is coming in, blocking the funding and creating what I think is a real national security issue for the American People."

"Through the unilateral, indefinite suspension of the MOX project – without Congressional authorization or approval, and without legal authority – the federal government has failed to not only honor its commitment to South Carolina, but has breached its obligation to responsibly address the disposal of surplus plutonium," said Attorney General Alan Wilson. "This violation of the Constitution not only effectively terminates the MOX facility, but also terminates approximately 1,800 jobs for South Carolina's hard-working citizens. That is why I have filed a complaint in federal court on behalf of the State of South Carolina seeking to halt this illegal and unconstitutional act."

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