

IN THE 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, )

Plaintiffs, )

v. )

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

Defendants. )

No. 1:21-cv-01942-MGL

**SUPPLEMENTAL  
DECLARATION OF NNSA  
DEPUTY DIRECTOR OF THE  
SAVANNAH RIVER  
ACQUISITION AND PROJECT  
MANAGEMENT OFFICE, BRIAN  
SCHEPENS, IN RESPONSE TO  
PLAINTIFFS' OBJECTION TO  
DEFENDANTS' DECLARATION  
(ECF NO. 203-1) SUPPORTING  
DEFENDANTS' REPLY ON  
ALTERNATIVE REMEDIES**

I, BRIAN SCHEPENS, do declare the following:

1. I have over nineteen years of experience in Project Management, Construction Management, and Civil Engineering primarily associated with Nuclear Quality Assurance 1 (NQA-1) Nuclear Facilities both with Government and private industry. I received a Bachelor's of Science degree in Facilities Engineering from State University of New York Maritime College in 2005. I have been employed by the National Nuclear Security Administration ("NNSA") since 2017.
2. From June 19, 2022, to present, I have served as the NNSA Savannah River Site - Acquisition and Project Management Office (SRS APMO) Deputy Director wherein I manage and oversee three SRS-APMO Capital Line-Item Projects, including the

subject Savannah River Plutonium Processing Facility Project (the “SRPPF Project”), with combined budgets totaling around \$21.8B. In this role, I am responsible for supervising forty-five federal and support staff, including specialized subject matter experts (“SMEs”). As Deputy Director, I am also responsible for briefing and making recommendations on the Capital Line-Item Projects (including SRPPF) to Department of Energy (“DOE”) and NNSA management, and I am therefore required to have an extensive working knowledgebase of the three Projects, including the risks, issues, and opportunities unique to each Project. My oversight and management of the Projects includes, but is not limited to, overseeing Project budget and staffing needs, including controls for the Total Project Cost baselines for Projects to ensure cost and schedule baselines are established/maintained and change control processes are established; developing and executing budget requests, scheduling, prioritizing, and monitoring contractor performance; and overseeing program technical engineering, procurement, and construction (EPC) execution. Because of the costs involved, the level of complexity, and the significance to our national defense mission, most of my time and attention in my role as Deputy Director is spent on SRPPF.

3. Prior to my current role, from 2017–2022, I was the SRS-APMO Senior Project Engineer and the lead for the Construction/Operations Preparation Group. My duties included, but were not limited to, managed Project SMEs; overseeing contractor Project execution, including, oversight of contractor activities supporting engineering, procurement, construction, maintenance, testing and startup; and performing field inspections to ensure contractor work was completed in accordance with work plans, specifications, and engineering standards.

4. I have been associated with SRPPF as either the Construction lead or Deputy Director since day one of the Project. As such, I was employed by the SRS-APMO during the entire duration of the preparation and finalization of the Savannah River Site Environmental Impact Statement for SRPPF (SRS EIS) and have been briefed over the years on the contents of the SRS EIS.
5. As described above, as the SRS-APMO Deputy Director, my team and I work closely with Savannah River Nuclear Solutions (SRNS), the Management and Operating (M&O) contractor, to oversee SRPPF Project execution. As Deputy Director, I oversee, and often times am required to concur with and/or approve, the M&O contractor's work on SRPPF and ensure contract compliance. Therefore, I am familiar with the SRPPF project scope and potential resulting harms identified in my Declaration if the Court were to vacate the SRS EIS ROD and enjoin construction of the SRPPF.
6. Since filing my Declaration, NNSA and the M&O contractor have continued to evaluate the potential resultant harms. The total figure included in my Declaration remains the same; however, the continued analysis and review of the projections related to immediate<sup>1</sup> job loss has resulted in an *increase* from ~1,400 to ~1,950. The original 1,400 figure only included direct project jobs. Whereas, the revised estimate (i.e., 1,950) includes indirect and overall M&O program hires, which include

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<sup>1</sup> Worker Adjustment and Retraining Notification (WARN) Act requirements established by Congress require that any single, adverse employment action that results in the release of greater than 500 employees or 33% of its workforce must provide 60 days' notice to the impacted employees in addition to other notification obligations. Given the size of the SRPPF Project staff, both SRNS and the Construction Management Subcontractor (Fluor Federal Services) are subject to the WARN Act notification requirements set forth by Congress.

administrative and programmatic positions.

7. A Critical Decision (CD) provides no real indication of the relative cost, complexity, or impact of suspending a project. A CD-2 is utilized to approve the performance baseline. In general, the CD-2 baseline can be established when the design meets sufficient maturity to provide reasonable assurance that the design will be implementable within the approved performance baseline. SRPPF has elected to forgo the pursuit of a standalone CD-2, as many projects do, and is instead pursuing a combined CD-2/3 for approval in December 2025—this will establish an approved Performance Baseline and conditionally approve the construction execution phase. The SRPPF design currently stands at an overall design completion of approximately 75%. The design currently involves over 1,200 members of the design team at multiple locations with an invested cost approaching \$1.5B. The current design package includes over 12,000 completed design documents with an additional 209 in process, all reflecting the extreme complexity of this one-of-a-kind, high hazard nuclear facility design. The impact of suspending the design at this point is extreme with the resultant loss of the people, expertise, experience, and momentum that is in place as the project drives to design completion scheduled fourteen months from now, at the end of CY 25. Moreover, the SRPPF Project utilized a tailoring strategy approach that evaluated risk, complexity, visibility, cost, safety, security, and schedule of the project to gain approval of twelve early construction starts (CD-3Xs).
8. Plans would need to be developed to guide the responsible shut-down of all SRPPF activities and a Termination for Convenience Plan (T for C) would also need to be drafted to define the planned final end state of all subcontracts managed by M&O

Contractor (SRNS) and the Construction Management (CM) Subcontractor (Fluor Federal Services). SRNS subcontracted the Construction Management of the Project to the CM Subcontractor through an Indefinite Delivery Indefinite Quantity (IDIQ) subcontract valued at \$9.7B.

9. Several construction subcontracts have been awarded and are underway. In the event of an injunction, each subcontract would be evaluated to determine the most responsible/sensible end state condition that best preserves the Government's investments to date. Given the number of in-process subcontracts, it is anticipated that one or more will result in litigation, resulting in an estimated \$70M litigation cost borne by the taxpayer.

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

Executed this 17 day of September 2024.



Brian Schepens  
Deputy Director, Savannah River Acquisition and  
Project Management Office