



Savannah River Site Watch

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

DCS-NRC-000324
November 24, 2015

Subject: MRC Docket Number 070-03098
CB&I AREVA MOX Services
Mixed Oxide Fuel Fabrication Facility
Construction Authorization No. CAMOX-001;
-- To be Posted in ADAMS

**Concerning AREVA's Ownership in CB&I AREVA MOX Services: 30% or 48%?
Possible need for new review of Foreign Ownership, Control or Influence (FOCI)
and/or Facility Security Clearance (FCL); NRC Response Requested**

Dear Sir/Madam:

This letter concerns the current ownership of CB&I AREVA MOX Services, a privately owned company now designing and constructing the problem-plagued Mixed Oxide Fuel Fabrication Facility (MFFF) for the U.S. Department of Energy at the Savannah River Site in South Carolina, and if the ownership mix of the company warrants a review by the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy (and DOE's National Nuclear Security Administration).

In a letter to the U. S. Nuclear Regulatory Commission (NRC) dated August 30, 2012 (DCS-NRC-000324), with the subject "Request for Consent to Indirect Transfer of Control of Construction," Shaw AREVA MOX Services requested that ownership by Shaw Environmental & Infrastructure, Inc. ("Shaw E&I") and Shaw Project Services Group, Inc. ("SPSG") in Shaw AREVA MOX Services be allowed to be transferred to "CB&I Shaw" and affirmed that the goal of the ownership change was that "CB&I Shaw will operate as a separate business sector under CB&I."

In the August 30, 2012 letter, Kelly Trice, then President and COO of Shaw AREVA MOX Services, described the proposed transfer and stated that ownership of Shaw AREVA MOX Services was as follows: "(1) 30% by Shaw Environmental & Infrastructure, Inc. ("Shaw E&I"), a Louisiana corporation that is a wholly owned direct subsidiary of Shaw; (2) 40% by Shaw Project Services Group, Inc. ("SPSG"), a Delaware corporation that is a wholly owned direct subsidiary of Shaw E&I; and (3) 30% by AREVA NC, Inc., a Delaware corporation that is a wholly owned subsidiary of AREVA NC SA Inc., a French company which is a wholly owned subsidiary of AREVA SA, a French company that is majority owned by the government of France."

The August 30, 2012 letter states:

Pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (the "Act"), and 10 C.F.R. 70.36, Shaw AREVA MOX Services, LLC ("MOX Services") requests that the U.S. Nuclear Regulatory Commission ("NRC") consent to the indirect transfer of control of Construction Authorization No. CAMOX-001 (the "CA") for the Mixed Oxide Fuel Fabrication Facility ("MOX Facility") now being constructed at the U.S. Department of Energy ("DOE") Savannah River Site in Aiken, South Carolina. The indirect transfer would result from a proposed transaction whereby The Shaw Group Inc. ("Shaw"), a Louisiana corporation that is publicly traded on the New York Stock Exchange ("NYSE") and widely held in the United States, would be acquired by Chicago Bridge & Iron Company N.V. ("CB&I"), a public limited liability company with its registered corporate seat in Amsterdam, The Netherlands, whose stock is publicly traded on the NYSE and widely held in the United States.

MOX Services is currently owned as follows: (1) 30% by Shaw Environmental & Infrastructure, Inc. ("Shaw E&I"), a Louisiana corporation that is a wholly owned direct subsidiary of Shaw; (2) 40% by Shaw Project Services Group, Inc ("SPSG"), a Delaware corporation that is a wholly owned direct subsidiary of Shaw E&I; and (3) 30% by AREVA NC, Inc., a Delaware corporation that is a wholly owned subsidiary of AREVA NC SA Inc., a French company which is a wholly owned subsidiary of AREVA SA, a French company that is majority owned by the government of France. Pursuant to a Transaction Agreement dated July 30, 2012, Crystal Acquisition Subsidiary, Inc, a wholly owned subsidiary of CB&I organized under the laws of the State of Louisiana, will acquire all outstanding shares of Shaw through a cash and stock transaction in accordance with its merger with and into Shaw. When the transaction is complete, the resulting corporation will be named CB&I Shaw Inc. ("CB&I Shaw"). CB&I will become the ultimate parent holding company of CB&I Shaw. CB&I Shaw will operate as a separate business sector under CB&I. Operational headquarters will remain unaffected.

(letter posted in ADAMS at:
<http://pbadupws.nrc.gov/docs/ML1224/ML12243A498.pdf>)

The letter went on to state:

In addition, as discussed in Enclosure 1, MOX Services holds a Facility Security Clearance ("FCL") administered by DOE/National Nuclear Security Administration ("NNSA"). DOE/NNSA will review compliance relating to any potential foreign ownership, control or influence ("FOCI") issues in connection with the FCL required for the MOX Facility.

Given CB&I's ownership and management by U.S. entities and individuals, the indirect transfer of the ownership interests in MOX Services from Shaw to CB&I does not permit any foreign interest, either directly or indirectly, to direct or decide matters affecting the management or operations of MOX Services. In addition, any questions relating to this issue will be reviewed and addressed by

DOE/NNSA as part of the FOCI determination process. Thus, there is no basis for concluding that the indirect transfer of the CA “would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public.” 10 C.F.R. 70.31(d).

In a December 20, 2012 letter (DCS-NRC-000338), Shaw AREVA MOX Services supplemented information pertaining to the ownership transfer:

As discussed in the August 30 Letter, Shaw holds a 70% ownership interest in MOX Services, through its subsidiaries Shaw Environmental & Infrastructure, Inc. (Shaw E&I) (a direct 30% interest in MOX Services) and Shaw Project Services Group, Inc. (SPSG) (a subsidiary of Shaw E&I holding a 40% interest in MOX Services).

The August 30 Letter indicated that MOX Services holds a Facility Security Clearance (FCL) administered by the DOE/National Nuclear Security Administration (NNSA), and that DOE/NNSA would review compliance relating to any potential foreign ownership, control or influence (FOCI) in connection with the FCL for the MOX Facility. That review is now proceeding in parallel with the NRC’s review of the August 30 Letter.

The purpose of this letter is to inform the NRC that a proxy agreement will be established in accordance with the National Industrial Security Program (NISP) with respect to governance of SPSG. The agreement will give control of Shaw’s interests in MOX Services to SPSG, acting as a proxy for CB&I, Shaw, and Shaw E&I, to insulate SPSG and MOX Services from any potential FOCI in order to maintain the FCL held by MOX Services.

(letter posted at: <http://pbadupws.nrc.gov/docs/ML1235/ML12356A178.pdf>)

In its communication with the NRC on the ownership transfer issues, Shaw AREVA MOX Services consistently stated (as follows) or implied that AREVA held 30% of Shaw AREVA MOX Services: “30% by AREVA NC, Inc., a Delaware corporation that is a wholly owned subsidiary of AREVA NC SA Inc., a French company which is a wholly owned subsidiary of AREVA SA, a French company that is majority owned by the government of France.”

In the August 30, 2012 letter, Mr. Trice stated that “the transaction is subject to the approval by the shareholders of both parties as well as approvals of U.S. and foreign authorities.” Approval of the “proposed indirect transfer of control” was requested of the NRC “on or before January 2, 2013.”

In the Federal Register of February 8, 2013, the Nuclear Regulatory Commission printed a notice entitled “Shaw AREVA MOX Services, LLC (Mixed Oxide Fuel Fabrication Facility); Order Approving Indirect Transfer of Control of Construction Authorization.” (notice at <http://tinyurl.com/nar26to>)

The notice, signed by Catherine Haney, Director, Office of the NRC's Nuclear Material Safety and Safeguards, indicated approval of the requested ownership transfer and stated:

Pursuant to Section 184 of the AEA, no license granted under the AEA, and pursuant to 10 CFR 70.36, no license granted under 10 CFR part 70, shall be transferred, assigned, or in any manner disposed of, directly or indirectly, through transfer of control of any license to any person unless the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the AEA, and gives its consent in writing. The CA does not authorize MOX Services to use Special Nuclear Material at the MFFF; it only authorizes MOX Services to construct the MFFF. The CA is analogous to a construction permit, and it has served as the mechanism under which the NRC staff has overseen the MFFF construction activities. The Commission's regulations at 10 CFR 2.4, define "license" as including a construction permit. Therefore, the CA is analogous to a license and the requirements of Section 184 of the AEA and 10 CFR 70.36 are applicable to this action.

Upon review of the information received from MOX Services, and other information before the Commission, and relying upon the representations and agreements contained in the Transfer Application, the NRC staff finds that (1) it has secured full information regarding the proposed indirect transfer of control of CAMOX-001, and (2) the proposed indirect transfer, to the extent that CB&I will acquire a 70% ownership interest in MOX Services pursuant to its planned acquisition of Shaw, as described in the Transfer Application, and to the extent that CB&I, Shaw, Shaw E&I, SPSG, and MOX Services are in compliance with DOE FOCI requirements for maintenance of the MFFF DOE Facility Security Clearance, is in accordance with the provisions the AEA of 1954, as amended.

The findings set forth above are supported by a Safety Evaluation (SE) dated January 30, 2013.

Accordingly, pursuant to Section 184 of the AEA Act of 1954, as amended and Section 70.36 of 10 CFR, *it is hereby ordered* that the indirect transfer of control of CAMOX-001, as described herein, is approved.

(Federal Register notice of February 8, 2013 at <http://tinyurl.com/nar26to>)

Thus, the approval by the NRC of the ownership transfer makes clear that the request has been reviewed for compliance under Foreign Ownership, Control or Influence (FOCI) and that company is 70% owned by CB&I, and thus 30% of the company will remain in the hands of AREVA entities.

In a letter (DCS-NRC-000365) of August 15, 2014, MOX Services affirmed to the NRC the percentages of ownership earlier reported:

On January 23, 2014 the name of Shaw Project Services Group, LLC was changed to CB&I Project Services Group, LLC (CPSG). On July 23, 2014 CB&I combined its Shaw AREVA MOX Services, LLC ownership interest of 30% (from Shaw E&I) and 40% (from SPSG/CPSG) so that all 70% ownership interest is vested in CB&I Project Services Group, LLC. Also, on July 23, 2014, the Shaw AREVA MOX Services, LLC Board of Governors resolved to change the name of the CA holder from Shaw AREVA MOX Services, LLC to CB&I AREVA MOX Services, LLC.

(letter posted at: <http://pbadupws.nrc.gov/docs/ML1422/ML14227A556.pdf>)

In keeping with the information provided to the NRC, Chicago Bridge & Iron informed the Securities and Exchange Commission (SEC) in its quarterly 10-Q filing of May 3, 2013 that AREVA is a 30% owner of CB&I AREVA MOX Services:

CB&I/AREVA— We have a venture with AREVA (CB&I—70%, AREVA—30%) to design, license and construct a multi-billion dollar mixed oxide fuel fabrication facility in Aiken, South Carolina to convert weapons-grade plutonium into fuel for nuclear power plants for the U.S. Department of Energy.

(form 10-Q filing with the SEC by Chicago Bridge and Iron NV, May 3, 2013, page 15 at <http://www.sec.gov/Archives/edgar/data/1027884/000119312513196750/d516215d10q.htm>)

In both the July 31, 2013 10-Q filing, as well as the October 30, 2013 and in the 10-K filing of February 27, 2014, the SEC was informed that the ownership in “CB&I/AREVA” was 70% CB&I and 30% AREVA.

In the 10-Q filing of April 24, 2014, CB&I’s reporting on ownership percentages changed. CB&I informed the SEC that the ownership of the CB&I/AREVA venture had become 52% CB&I and 48% AREVA:

CB&I/AREVA—We have a venture with AREVA (CB&I—52% / AREVA—48%) to design, license and construct a mixed oxide fuel fabrication facility in Aiken, South Carolina, which will be used to convert weapons-grade plutonium into fuel for nuclear power plants for the U.S. Department of Energy. Our CB&I/AREVA project value is approximately \$5,000,000.

(Form 10-Q filing with the SEC by Chicago Bridge and Iron NV, April 24, 2014, page 14 at <http://www.sec.gov/Archives/edgar/data/1027884/000102788414000017/a2014033110q.htm>)

There was no explanation in the 10-Q filing as to why the percentages of ownership in MOX Services had changed.

Likewise, in 10-Q filings by CB&I of July 25, 2014, October 24, 2014, February 2, 2015, and April 24, 2015, the SEC was informed that the ownership of the CB&I/AREVA “venture” was 52% CB&I and 48% AREVA.

On July 24, 2015, the SEC was again informed about the ownership percentages:

CB&I/AREVA—We have a venture with AREVA (CB&I—52% / AREVA—48%) to design, license and construct a mixed oxide fuel fabrication facility in Aiken, South Carolina, which will be used to convert weapons-grade plutonium into fuel for nuclear power plants for the U.S. Department of Energy. Our venture project value is approximately \$5,200,000.

(Form 10-Q filing with the SEC by Chicago Bridge and Iron NV, July 24, 2015, page 15 at <http://www.sec.gov/Archives/edgar/data/1027884/000102788415000213/a2015063010q.htm>)

Likewise, the 10-Q quarterly filing to the SEC by Chicago Bridge & Iron, on November 5, 2015, yet again stated that AREVA’s ownership in MOX services was 48%:

CB&I/AREVA—We have a venture with AREVA (CB&I—52% / AREVA—48%) to design, license and construct a mixed oxide fuel fabrication facility in Aiken, South Carolina, which will be used to convert weapons-grade plutonium into fuel for nuclear power plants for the U.S. Department of Energy. Our venture project value is approximately \$5,500,000.

(form 10-Q filing by CB&I, November 5, 2015, page 18 at <http://www.sec.gov/Archives/edgar/data/1027884/000102788415000246/a2015093010q.htm>)

It does not appear that the stated “venture project value” has any correlation with the actual cost of the MOX plant construction.

According to DOE in testimony to a House Armed Services’ Strategic Forces Subcommittee on October 7, 2015, \$4.8 billion has already been spent on the MOX plant construction, out of a total estimated cost of \$12 billion for construction. Testimony was also presented at that hearing by the administrator of the National Nuclear Security Administration that about \$1 billion per year is needed for the life of the project. MOX is currently only receiving \$345 million per year from Congress, a level of funding that has made the project unsustainable and that has placed it on an unofficial shut-down track.

Mr. John MacWilliams of DOE also testified that the MFFF construction is facing a 25% “reinstallation” rate, meaning that a high percentage of installations such as piping and ductwork have been installed incorrectly and must be torn out and replaced, at unknown cost and unknown delay to the project. Investigations by Congress and U.S. Government agencies are needed to sort of the impacts of the reinstallation problem. That the MOX project is facing a high rate of reinstallations and that it is receiving inadequate funding to make it viable has not been reported to the SEC nor has any case been made on to how the project could be made viable from funding and construction perspectives.

Likewise, the DOE’s *Final Report of the Plutonium Disposition Red Team*, dated August 13, 2015, mentions the reinstallation problem. Calling the matter “re-work,” the report states that re-work could be potentially “significant.” The report fails to explain the re-work problem and leaves an in-depth analysis to another report or investigation. (Report posted on the Union of Concerned Scientists’ website: <http://www.ucsusa.org/sites/default/files/attach/2015/08/final-pu-disposition-red-team-report.pdf>)

In contradiction to the recent SEC filings, in the January 2015 redacted License Application by CB&I AREVA MOX Services it was stated that AREVA has 30% ownership in CB&I AREVA MOX Services:

DOE is the owner of the MFFF, which is located at SRS in Aiken, South Carolina. MOX Services is a South Carolina LLC whose direct owners are all U.S. corporations. Specifically, CPSG is a proxy entity vested with representing, without interference from its parent company, all of CB&I’s interest in MOX Services. This interest represents the CPSG combined 70% ownership and voting power of MOX Services. AREVA NC, Inc., operating under a Special Security Agreement with the National Nuclear Security Administration (NNSA) limiting its parent company involvement, represents AREVA’s 30% ownership and voting power. As a result, there is no direct foreign ownership, no foreign control, and no significant foreign interest in MOX Services. Furthermore, in awarding the contract to MOX Services to design, construct, and operate the MFFF, DOE engaged in a foreign ownership, control, or influence (FOCI) review in accordance with DOE Order 470.1, “Safeguards and Security Program.” Based upon that review, DOE rendered a favorable FOCI determination on 9 July 1999, based on a Security Control Agreement between CB&I AREVA MOX Services, LLC and DOE, mitigating Foreign Ownership, Control, or Influence.

(page 170, License Application (Redacted), January 2015, <http://pbadupws.nrc.gov/docs/ML1502/MI15029A088.pdf>)

The Aerospace Corporation, a U.S. Department of Energy contractor, in a report entitled *Plutonium Disposition Study Options Independent Assessment Phase 1 Report*, released in April 2015, the percentage of ownerships of AREVA in CB&I AREVA MOX Services was mentioned as being 48%. Footnote 16 on page 31 cites reporting to the

SEC and states “According to CB&I’s most recent 10-K report, the MOX project is a joint venture with CB&I owning 52% and Areva owning 48%. Chicago Bridge & Iron Company N.V., Form 10-K, 31 Dec. 2014. SEC website. Accessed 16 Mar. 2015.” (Aerospace report posted at <http://tinyurl.com/nt8u3sx>)

In a search in the filings on the NRC’s website in the “MOX Services” docket - Docket Number 070-03098 - and in the NRC’s digital library (ADAMS), no other documents from the last half of 2014 or in 2015 were found that clarified the percentage ownership by AREVA and CB&I in CB&I AREVA MOX Services. Based on documents filed with the NRC, AREVA’s ownership of CB&I AREVA MOX Services seems to remain at 30%.

As the information filed with the SEC concerning ownership of CB&I AREVA MOX Services appears to possibly be inconsistent with what has been filed with the NRC, CB&I AREVA MOX Services, the NRC and U.S. Department of Energy must clarify the extent of AREVA’s ownership in CB&I AREVA MOX Services.

The NRC has evidently made a determination concerning CB&I AREVA MOX Services ownership as being consistent with NRC regulations and compliance under Foreign Ownership, Control or Influence (FOCI) requirements. The earlier FOCI determination was made based on a 30% ownership in CB&I AREVA MOX Services by the foreign-owned company AREVA.

If the share in ownership in CB&I AREVA MOX Services by AREVA has grown from 30% to 48% then such a large increase in ownership could possibly reflect an increase in direct or indirect influence by AREVA in management of CB&I AREVA MOX Services. Likewise, the ownership increase could reflect a larger influence by AREVA in decisions that CB&I AREVA MOX Services is making related to design and construction, including the reinstallation problem, of the MOX plant at the Savannah River Site.

In addition to the ownership issues outlined above, AREVA SA in France is reporting that a Chinese nuclear entity may acquire minority ownership in the company. According to a November 2, 2015 news release (<http://tinyurl.com/o6n6m62>) entitled “AREVA and CNNC considering in-depth partnership with capitalistic and industrial components,” AREVA revealed that

AREVA and its Chinese partner China National Nuclear Corporation (CNNC) signed today in Beijing, in the presence of the President of People's Republic of China, Mr. Xi Jinping, and the President of the French Republic, Mr. François Hollande, a memorandum of understanding for a possible partnership that includes capitalistic and industrial components.

The partnership planned between AREVA and CNNC involves a possible minority stake acquisition by CNNC in AREVA’s capital and a partnership covering all of the nuclear fuel cycle activities: uranium mining, front end, recycling, logistics, decommissioning and dismantling. These nuclear fuel cycle activities are not directly concerned by EDF’s acquisition of AREVA NP currently underway.

This proposed partnership falls within the framework fixed by the French-Chinese joint declaration on June 30, 2015.

“This project offers numerous opportunities for both AREVA and CNNC. Strengthening the cooperation with our Chinese partners is an integral factor for AREVA’s future success,” said Philippe Varin, Chairman of AREVA’s Board of Directors, during the signature ceremony in Beijing.

On November 16, 2015, DOE’s Office of Environmental Management released an update entitled “Chinese Delegation Meets with EM Officials in its First Visit to Savannah River Site.” Though the Chinese visitors to SRS included participants from the China National Nuclear Corporation, DOE did not state if the delegation interacted with AREVA officials at SRS or if there were any discussion about MOX or plutonium management but the delegation did visit the aging H-Canyon, which has been involved in problem-plagued plutonium oxide production for MOX “feed stock.” (For more information on problems with plutonium oxide production in HB Line, see the SRS Watch report of November 12, 2015: *H-Canyon Folly, Plutonium Failure*, posted at: <http://tinyurl.com/p8bdclv>)

The EM update - text below - did reveal the nature of the goals for hosting the Chinese delegation at SRS and could be an indication of increased cooperation between China and SRS. This warrants monitoring given possible purchase of the China National Nuclear Corporation of ownership in AREVA.

AIKEN, S.C. – A delegation from two nuclear-related entities in China visited the Savannah River Site (SRS) for the first time last month, and its members agreed with EM officials to discuss potential areas of collaboration in waste treatment and disposal and to establish collaborative technology projects.

The delegation was from the China Atomic Energy Authority (CAEA) and China National Nuclear Corporation (CNNC). CAEA is a regulatory agency that oversees the development of nuclear energy in China, and CNNC is a large, state-owned enterprise and main body of the national nuclear technology industry. CAEA Deputy Director-General Liuyi Duan headed the delegation.

The delegation’s visit supports EM’s International Program work with CAEA under the U.S.-China Peaceful Uses of Nuclear Technology (PUNT) Agreement. Signed in 1998, the agreement is a legally binding mechanism between the U.S. and China that allows for bilateral technical cooperation in civil nuclear energy and nonproliferation. Over the years, this cooperation has covered a wide variety of areas, including nuclear technology and export controls, nuclear emergency management and safety, and high-level waste management.

During the visit, the delegates met with SRS Manager Jack R. Craig and other site representatives to exchange information on radioactive waste treatment and disposal, project management, contracting practices, and budget processes.

The delegation also toured the Defense Waste Processing Facility, where liquid nuclear waste is converted to a glass form suitable for long-term storage and disposal. The delegates also viewed the H-Canyon, which is the only hardened nuclear chemical separations plant still in operation in the U.S.; the R Reactor, which is in an in-situ, or in place, state after it was deactivated, decommissioned, and sealed with grout; the Low-Level Radioactive Waste Disposal Facility; the Saltstone facilities, which stabilize and dispose of low-level radioactive liquid salt wastes; and a tank farm with underground waste tanks. (posted on EM website at <http://energy.gov/em/articles/chinese-delegation-meets-em-officials-its-first-visit-savannah-river-site>)

The possibility of an increased role of the China National Nuclear Corporation in the activities of AREVA is worthy of in-depth analysis pertaining to AREVA's activities in the US. In its *2014 Reference Document*, filed with the "Autorité des marchés financiers (AMF, the French financial market authority) on March 31, 2015," AREVA indicates in "Section 6.4.4.4 International Projects" that it intends to stay engaged via its US company, AREVA NC, Inc., at the Savannah River Site: "In the United States, the objective of International Projects is to maintain its presence with the US Department of Energy, particularly at the Hanford and Savannah River sites, despite the budget restrictions imposed on this government agency."

AREVA's *2014 Reference Document* (at <http://tinyurl.com/oma9foh>) affirms that: "in the United States, under the US Plutonium Disposition Program, a MOX fuel fabrication facility is under construction for the US Department of Energy (DOE) to recycle US defense plutonium (the MFFF project). As one of the two members of the consortium in charge of this project, AREVA is providing engineering and technology know-how."

Given that the ownership of AREVA in CB&I AREVA MOX Services may well have changed since the NRC's February 8, 2013 notice in the Federal Register approving an ownership change, the matter now before the NRC and DOE/National Nuclear Security Administration concerning CB&I AREVA MOX Services ownership includes the following questions that must be addressed:

- Have new documents been submitted to the NRC and DOE/NNSA by CB&I AREVA MOX Services concerning any possible change in ownership percentage by AREVA in CB&I AREVA MOX Services?
- In the event of an ownership change and in the event that the NRC and/or DOE/NNSA was not notified about such a change, have all reporting requirements related to any ownership change been met?
- In the event of an ownership change, has an updated Foreign Ownership, Control or Influence (FOCI) analysis been conducted by either the NRC and/or the Department of Energy (and National Nuclear Security Administration)?
- Has there been any change in management or operations of CB&I AREVA MOX Services in the event of a shift in ownership of AREVA in the company from 30% to 48%?

- Has the DOE/NNSA conducted a new review of the holding of a Facility Security Clearance (FCL) for construction by CB&I AREVA MOX Services of the MOX plant at the Savannah River Site related to the possible increase in percentage ownership by AREVA?
- Has there been any change in management by CB&I AREVA MOX Services or make-up of the board of CB&I AREVA MOX Services connected to the possible increase in percentage ownership by AREVA? Has there been any change in the direct or indirect influence of AREVA in CB&I AREVA MOX Services?
- If the China National Nuclear Corporation purchases any part of AREVA SA, will an analysis be done concerning level of influence in management and decisions concerning design and construction of the MOX plant? Will DOE and/or NRC conduct a Foreign Ownership, Control or Influence review? If Chinese workers are possibly to be deployed to work at the MOX project, will there be a review by DOE of the MOX Facility Security Clearance, to make sure that it complies with the provisions of the Atomic Energy Act of 1954, as amended?

Given that the NRC and DOE/NNSA reviewed CB&I AREVA MOX Services ownership in 2012 and 2013, a determination can be expedited regarding the questions presented above and if another FOCI review is warranted. As the MOX plant construction is facing critical decision points by the Department of Energy and Congress, I request a response to this letter by December 31, 2015.

If you have any questions about this letter or the role of Savannah River Site Watch (SRS Watch) in providing independent and on-going public-interest oversight of DOE's mismanaged MOX project please feel free to contact me.

Sincerely,

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