



Savannah River Site Watch

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For Immediate Release

July 27, 2018

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**House-Senate Conference Committee on Defense Bill Authorizes Plutonium Fuel (MOX)
Termination by Secretary of Energy**

Columbia, SC – The House and Senate have agreed to language in the defense bill which would allow termination of the problem-plagued MOX project now under increasing duress at the DOE's Savannah River Site.

The conference report on the National Defense Authorization Act for Fiscal Year 2019 was approved on July 25 and on July 26 the full House approved the bill.

The conference report rejected language in the Senate version of the defense bill that would have prevented spending on MOX termination. The language adopted is based on the language from the House:

**SEC. 3119. USE OF FUNDS FOR CONSTRUCTION AND
PROJECT SUPPORT ACTIVITIES RELATING TO
MOX FACILITY.**

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the National Nuclear Security Administration for the MOX facility.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) if the Secretary submits to the congressional defense committees the matters specified in section 3121(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1892). (page 1663)

According to language in the “JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE,” the Senate ‘recedes’ with its language “from obligating or expending any funds for fiscal year 2019 or prior fiscal years to terminate construction.” (page 611).

“The forces trying to save the bungled MOX project have lost a significant round with the finalization of the conference report,” said Tom Clements, director of Savannah River Site Watch.

“It remains clear that both the House and the Senate, with the backing of the White House, want the problem-plagued MOX project to be terminated as quickly as possible. No federal judge will be able to dictate to Congress to fund MOX construction and, now that the NDAA conference language has been approved, the MOX project inches closer to termination,” added Clements.

Also include in the NDAA report is language on production of plutonium pits for nuclear weapons give the possible unavailability of reuse of the MOX plant at SRS: “The House bill contained a provision (sec. 3120A) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center (FFRDC) to conduct an assessment of the plutonium strategy of the National Nuclear Security Administration (NNSA). In addition, the provision would require the Secretary of Energy to submit to the congressional defense committees not later than 180 days from the date of enactment of this Act a report on the plan for producing plutonium pits 31–80 at Los Alamos National Laboratory, in case the MOX facility is not operational and producing pits by 2030. The provision would also require the Secretary of Energy to submit an updated Statement of Mission Need by September 2020.” (pages 411-412 of Explanatory Statement)

Congress has yet to appropriate funds for DOE programs, but the Senate appropriated \$0 for MOX construction and \$4220 million for MOX termination. The language in the House bill would also allow for the Secretary of Energy to waive construction of the project. (See links to appropriations bill below)

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Notes:

House-Senate Conference Committee Report on National Defense Authorization Act for Fiscal Year 2019

<https://docs.house.gov/billsthisweek/20180723/CRPT-115hrpt863.pdf>

Explanatory Statement on NDAA for FY 2019

<https://rules.house.gov/sites/republicans.rules.house.gov/files/JointExplanatory%20Statement.pdf>

White House support of NDAA for FY 2019, July 26, 2018

<https://www.whitehouse.gov/briefings-statements/statement-press-secretary-house-passage-ndaa-conference-report/>

Language on the MOX boondoggle in appropriations bills before Congress

1. Senate Appropriations

Senate Appropriations finalized for FY 2019

<https://www.appropriations.senate.gov/hearings/consideration-of-302b-allocations-full-committee-markup-of-the-fy19-energy-and-water-development-and-fy19-agriculture-appropriations-bills>

Senate Energy & Water (DOE funding) report

<https://www.appropriations.senate.gov/imo/media/doc/FY2019%20Energy%20&%20Water%20Development%20Appropriations%20Act,%20Report%20115-258.pdf>

see page 107:

"MOX Construction.—The Committee recommends \$220,000,000 for closeout costs associated with the termination of MOX Fuel Fabrication Facility construction, consistent with the budget request and the Secretary's waiver to terminate the project."

2. House Appropriations

Bills passed:

<https://appropriations.house.gov/news/documentsingle.aspx?DocumentID=395340>

E &W report:

https://appropriations.house.gov/uploadedfiles/energy_report.pdf

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MOX Fuel Fabrication Facility.—The Committee recommends \$335,000,000 to sustain the current pace of construction on the MOX facility in fiscal year 2019. The bill contains a provision to allow the Secretary of Energy to terminate the project if requirements in Section 3121(b) of the Fiscal Year 2018 National Defense Authorization Act are satisfied.