



Savannah River Site Watch

Savannah River Site Watch

<http://www.srswatch.org/>

May 11, 2017

For Immediate Release

Contact: Tom Clements, 803-240-7268, srswatch@gmail.com

Reflecting Ongoing Plutonium MOX Project Problems, DOE Confirms Legally Required Annual Report on MOX Facility Not Prepared for Congress; Questions on MOX Project Viability Remain Unanswered

Link to FOIA Response Document Confirming no MOX Report: <https://tinyurl.com/kfx6hgl>

Columbia, SC – Reflecting disarray in the program to dispose of surplus weapons plutonium, the U.S. Department of Energy has failed to prepare a legally mandated annual report on the construction and operation of the plutonium fuel MOX plant at the DOE’s Savannah River Site (SRS) in South Carolina.

The lack of compliance with the law was confirmed in a May 10, 2017 letter from DOE’s National Nuclear Security Administration (NNSA) in response to a Freedom of Information Act request by the public interest group Savannah River Site Watch. The response letter affirms that the report was not delivered to Congress due to the fact that the fate of the MOX project is unknown.

“No matter the ultimate fate of the badly bungled MOX project, DOE has dodged its legally mandated obligation to produce an annual report detailing the status of MOX plant construction and if the facility can ever be made operable,” said Tom Clements, director of SRS Watch. “Even though the MOX project remains on the brink of termination due to massive cost overruns, design challenges and chronic construction problems, DOE must immediately submit a written report to Congress outlining where things stand with construction.”

The NNSA response to SRS Watch noted that no report was found in various offices within DOE but then stated that no report had been prepared: “We also contacted the NNSA’s Office of Defense Nuclear Nonproliferation (NA-20) about your request. NA-20 stated that the requested documents have not yet been drafted. The program intends to begin drafting a 2016/2017 when a budget and/or a decision has been made by the new Administration regarding plutonium disposition. Therefore, NA-20 has no responsive documents.”

Under the defense act of Fiscal Year 2003, DOE is to deliver a report on the construction and operation of the Mixed Oxide Fuel Fabrication Facility (MFFF) at SRS no later than February 15 of each year. Construction of the MOX plant began in August 2007 and after 10 troubled years of construction, continuing at a snail’s pace, the project was only 28% complete in mid-2016, according to a NNSA report ([2016 Updated Performance Baseline for the Mixed Oxide Fuel Fabrication Facility at the Savannah River](#)

[Site](#)). The 28% complete figure has not been updated and no percent complete figures presented by MOX Services have been validated.

DOE's last formal estimate for the cost of the facility was \$17 billion and that construction would not be finished until 2048 at the current funding level (of about \$340 million per year). In the Fiscal Year 2017 budget, the funding for the problem-plagued MOX facility was cut to \$335 million. SRS Watch believes that negotiations on termination of the MOX plant or its continuation at a survival level of funding, to be reflected in the soon-to-be-released Fiscal Year 2018 budget, are now in the final stages.

The required MOX report must address a host of nagging questions facing the mismanaged project, according to SRS Watch. SRS Watch has posed important questions that remain unanswered and continues to call for officials in NNSA and CB&I AREVA MOX Services, the contractor struggling to design and build the MOX plant, to at last be held accountable for its mismanagement of the project. Questions needing answers include:

- 1) Will a "fixed-cost" or a "fixed-cost plus fee" or other type of new contract be presented to CB&I AREVA MOX Services by NNSA, as required in the [National Defense Authorization Act for FY 2017](#) (page 1935)?
- 2) Will a cost cap be imposed on the MOX plant construction?
- 3) Will a firm, guaranteed schedule for construction milestones and facility completion date be agreed by CB&I AREVA MOX Services and NNSA?
- 4) If the project continues, will MOX Services guarantee its ability to start the facility in a fixed amount of time and on a fixed budget?
- 5) Will there be full accountability of MOX Services and its contractors – including the now departed HVAC contractor Superior Air Handling (rumored to have badly bungled the HVAC work) - for construction issues, accounting of funds and poor management of the project?
- 6) Will MOX Services promptly provide a full list of "rework" problems, including costs to repair, who will be charged, who will be held responsible and a fixed schedule for fixing the rework (or "reinstallation") problems?
- 7) When will a schedule for guaranteed final design of the facility be provided? Due to chronic design and construction problems, can the MOX plant ever be made operable?
- 8) Will MOX Services and NNSA fully cooperate with NNSA in publicizing data about the MOX project, including percent complete and construction milestones?
- 9) Will NNSA and MOX Services agree to finally engage with stakeholders, including public interest organizations, about the status of the project and no longer hide in the shadows and away from public scrutiny?

10) Will there be full cooperation by NNSA and MOX services into investigations into fraud, waste, abuse, mismanagement and corruption by investigative agencies and the federal courts?

SRS Watch and the public await the MOX report and answers to the critical questions above, according to Clements.

###

Notes:

1) NNSA FOIA response to SRS Watch, May 10, 2017, linked here:

http://www.srswatch.org/uploads/2/7/5/8/27584045/foia_17-00088-m_clements_frl_5-10-17_no_mox_report.pdf

<https://tinyurl.com/kfx6hgl>

2) PUBLIC LAW 107–314—DEC. 2, 2002, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SEC. 3182. DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE. – beginning on page 291

(3)(A) Not later than February 15 each year, beginning in 2004 and continuing for as long as the MOX facility is in use, the Secretary shall submit to Congress a report on the implementation of the plan required by paragraph (1)

<https://www.gpo.gov/fdsys/pkg/PLAW-107publ314/pdf/PLAW-107publ314.pdf>

<https://legcounsel.house.gov/Comps/107-314.pdf>