



Savannah River Site Watch

**Savannah River Site
For Immediate Release
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Failure of MOX Project at the Savannah River Site Legally Mandates DOE to Begin Removal of 1 Metric Ton of Weapons Plutonium from South Carolina by January 1, 2016 or Face \$1 Million/Day in Fines

In Reality, the Plutonium-Removal Law is a Farce Used by Senator Lindsey Graham to Hold South Carolina Hostage to the Failed MOX Project & Endless Storage of 12.8 Metric Tons of Plutonium at SRS

Plans for Plutonium Shipments from Los Alamos in New Mexico to SRS Must be Suspended

Columbia, SC – Due to the failure of the plutonium fuel (MOX) project at the Savannah River Site in South Carolina, the U.S. Department of Energy will soon be obligated to remove 1 metric ton (2200 pounds) of surplus weapon-grade plutonium now stored at SRS and send it to storage outside of South Carolina.

Under the “Bob Stump National Defense Authorization Act for Fiscal Year 2003,” as amended, the failure of the plutonium fuel (MOX) plant at SRS to operate as of January 1, 2014, legally necessitates the removal of “not less than 1 metric ton” of plutonium “for storage or disposal elsewhere” not later than January 1, 2016.

Likewise, if the legally mandated MOX production objective is not achieved as of January 1, 2016, the Secretary of Energy “shall, subject to the availability of appropriations, pay to the State of South Carolina each year beginning on or after that date through 2021 for economic and impact assistance an amount equal to \$1,000,000 per day...”

Despite the language on removal of the plutonium, the law has a number requirements to be met before the off-site shipment can take place. According to the public interest group Savannah River Site Watch, DOE has made a mockery of the law by ignoring mandated provisions in it.

“Savannah River Site Watch strongly supports the legal requirement that the plutonium be removed from South Carolina but DOE has made a farce of the law by refusing to meet obligations in it,” said Tom Clements, director of SRS Watch. “DOE must not be allowed to leave plutonium in South Carolina forever due to its total failure to carry out the MOX project. DOE has but two choices in front of it: remove the plutonium and pay the \$1 million per day fine or cancel the grossly mismanaged MOX program by January 1, 2016 and pursue disposal of plutonium as waste.”

Amongst the provision of the law that DOE has refused to meet in order to dodge the plutonium-removal obligation include:

- Delivery to Congress by February 15 of each year a report that requires a status of the MOX project and a “plan for corrective actions” for the MOX project to stay on schedule;
- A “determination” by the Secretary of Energy that the MOX production objective is not being met (*which it isn't*);
- "Upon making" the determination that the MOX objective can't be met, the DOE Secretary must "submit to Congress a report on the options for removing from the State of South Carolina an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the State of South Carolina after April 15, 2002."
- “Cost and schedule for implementation” of the plutonium removal option and documents to meet requirements of the National Environmental Policy Act of 1969 (*especially concerning transport of the plutonium and its “storage or disposal elsewhere.”*)

The original legislation - signed into law in December 2002 - requires specific operational milestones with the MOX project and removal of plutonium and fines if the milestones are not met. Revealing that the law is in reality a joke, it has been amended several times by Congress at the insistence of Senator Lindsey Graham in order to protect the MOX program, according to SRS Watch. Any effort to amend the law this year will only underscore the failure of the mismanaged MOX project, according to SRS Watch.

Currently, DOE is storing approximately 12.8 metric tons of surplus weapons plutonium in the K-Area at SRS. The plutonium is contained in “3013” storage cans inside “9975” packing drums and is stacked high inside the old K-Reactor.

“As it’s clear that the MOX program is not financially or technically sustainable and can’t be continued, Senator Graham must stop holding the people of South Carolina hostage to the threat of the 12.8 metric tons of plutonium stored at SRS for which there is no disposition pathway,” said Clements. “While Congress has placed the crippled MOX project on a shut-down track by providing only enough funding to keep it alive in name only, it’s now time to make the shut-down official. Senator Graham must do the right thing for South Carolina cease in his efforts to continue to pour tax payer money into CB&I AREVA MOX Services, the contractor for the doomed project.”

Additionally, given the inability of DOE to implement any comprehensive plutonium disposition program, SRS Watch will continue to object to any transfer of plutonium oxide from Los Alamos National lab in New Mexico to SRS. Under a Los Alamos program called Advanced Recovery and Integrated Extraction System (ARIES), Los Alamos is charged with producing 2 MT of plutonium oxide from surplus weapons “pits.” That oxide was to be shipped to SRS but given operational problems with the ARIES facility and the MOX failure at SRS, preparation the shipment of the material must be halted, according to SRS Watch.

“The state of South Carolina must not receive a single gram of plutonium from Los Alamos or any other DOE site as long as the MOX debacle drags on,” said Clements. “Once MOX is terminated we would accept shipment of a fixed amount of plutonium to SRS for processing as waste, with that waste being removed as soon as geologic repository is functioning.”

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Notes:

“Bob Stump National Defense Authorization Act for Fiscal Year 2003”:

<http://www.dod.mil/dodge/olc/docs/PL107-314.pdf>

Amended bill in 2014: <https://legcounsel.house.gov/Comps/107-314.pdf>

See DOE FY 2015 budget request, page 529, for mention of 2 metric tons of plutonium oxide to be prepared at Los Alamos using ARIES:

<http://energy.gov/sites/prod/files/2014/04/f14/Volume%201%20NNSA.pdf>

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