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Subject: DOE Reveals SRS Plutonium Shipment Moratorium - in Court Filings for June 30 Plutonium-Removal Hearing in Federal Court in Columbia, SC - SRS Watch news, June 23

FYI... from Tom Clements, SRS Watch

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From: Tom Clements <tomclements329@cs.com>
To: tomclements329 <tomclements329@cs.com>
Sent: Thu, Jun 23, 2016 9:18 am
Subject: DOE Reveals SRS Plutonium Shipment Moratorium - in Court Filings for June 30 Plutonium-Removal Hearing in Federal Court in Columbia, SC - SRS Watch news, June 23

>>>> news release URL: <http://tinyurl.com/z387wcj>

Savannah River Site Watch (SRS Watch)
For Immediate Release
June 23, 2016

DOE Reveals Moratorium since 2014 on Domestic Defense Plutonium Shipments to Savannah River Site (SRS) - in Documents Filed in Federal Case on Plutonium Removal from South Carolina

Court Filings by DOE also State No International Plutonium Shipments to SRS for the Next Two Years

Key documents filed with federal court linked in “notes” below

Columbia, South Carolina – The U.S. Department of Energy has quietly revealed that shipments of defense plutonium from domestic facilities to the DOE’s Savannah River Site (SRS) halted in 2014 and that no international plutonium shipments are planned to SRS for the next two years.

The revelations came in a June 21, 2016 filing - with documents dated June 10, 2016 - by the DOE’s National Nuclear Security Administration (NNSA) in proceedings before the U.S. District Court in Columbia, South Carolina. The case in which the documents were filed involves a complaint brought by the State of South Carolina against DOE and the NNSA for not beginning to remove plutonium now stored at SRS, as allegedly required by federal law.

(The plutonium-removal case is scheduled to be heard at 10:00 a.m. on Thursday, June 30 in the federal court house in downtown Columbia, SC. SRS Watch will be outside with signs supporting plutonium removal from SRS and calling for the failed plutonium fuel MOX project at SRS to be terminated.)

In declarations attached to the NNSA filing, Peter Hanlon, an NNSA official in Washington, states that “All transfers of defense plutonium to be processed by the MOX facility were suspended in 2014.”

New shipments of surplus defense plutonium, in the form of plutonium oxide, had been anticipated to be shipped to SRS from the DOE’s Los Alamos National Laboratory in New Mexico.

SRS already stores in the old K-Reactor about 13 metric tons of surplus plutonium, none of which has a viable, funded way out of the state of South Carolina. In 2007, SRS was named DOE’s plutonium storage site for plutonium not in the form used in nuclear weapons.

“While we have assumed that there has been a de facto moratorium on further domestic shipment of plutonium to SRS from Los Alamos or any other DOE site, the court documents confirm this is the case,” said Tom Clements, director of Savannah River Site Watch.

“Given that the problem-plagued plutonium fuel MOX project at SRS teeters on the verge of official termination and due to the state’s concern about no exit path from the state for plutonium already at the site, it was a prudent decision by DOE to halt the shipments. As the fate of plutonium at SRS has caused growing public concern, it is not reassuring that the halt to the shipments was not publicly communicated earlier as DOE did not want to draw attention to the fact that a large amount of plutonium is now stranded at SRS,” added Clements.

LANL is currently preparing up to 2 metric tons of plutonium oxide in a process called ARIES (Advanced Recovery and Integrated Extraction System), from the “pits” removed from nuclear weapons, with the material planned to be fabricated into MOX fuel or processed as nuclear waste. That plutonium is now being stored at LANL.

Further confirmation of the plutonium-shipment halt came in another attachment to the NNSA's court filing. A January 2016 letter from Secretary of Energy Ernest Moniz to Governor Nikki Haley states

"In support of this commitment, DOE suspended further transfer of defense plutonium designed for processing at the MFFF to the SRS after the department determined that it would not meet the mixed oxide (MOX) production objective described in Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566.)"

Also revealed in the declaration by Peter Hanlon, Associate Deputy Administrator for the Office of Material Management and Minimization, is that "No transfers of any foreign-source plutonium to South Carolina are planned for the next two years."

The revelation that no international plutonium shipments will go to SRS for the next two years comes on the heels of the arrival on June 4 of two British-flagged ships carrying 331 kilograms of plutonium from Japan. Shipment of that material was controversial as the bulk of the plutonium originated in the United Kingdom. That plutonium has gone into storage at SRS, with the claim that it will eventually be disposed of as waste (though that program is neither finalized nor funded).

In an "environmental assessment" (EA) released by DOE on December 28, 2015, the agency stated that it had decided to transport "up to 900 kilograms of plutonium from foreign nations to the United States, storing the plutonium at the Savannah River Site in South Carolina, and processing it for disposition." In a footnote (on page 6) in the EA, DOE confirms that the foreign plutonium is waste and states that the "plutonium would not meet MOX fuel fabrication acceptance criteria and, therefore, would not be considered for disposition via the MOX fuel disposition pathway."

DOE has neither revealed what countries might be involved in the plutonium shipment to SRS nor has the agency presented justification for transporting plutonium to SRS that originated in nuclear weapons states - such as the UK and France - with large plutonium stockpiles.

"Given the disarray in plutonium disposition at SRS, an official moratorium on further domestic and international plutonium shipments to the site is called until such time as the disposition pathways are decided and fully funded," said Clements of SRS Watch.

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Notes:

Filings in [South Carolina federal court](#) proceedings for removal of plutonium from South Carolina, case brought by Governor Nikki Haley. (Note - to view documents in the cases one has to register and provide a credit card number as there are charges for downloading court documents. For public convenience, SRS Watch has linked a few documents on our website):

Documents filed with court by National Nuclear Security Administration on June 10, 2016:

1. NNSA filing "DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT"

http://www.srswatch.org/uploads/2/7/5/8/27584045/one_filing_doe.pdf

2. Attached declaration of Allen Gunter, nuclear materials official, SRS

http://www.srswatch.org/uploads/2/7/5/8/27584045/gunter_declaratio_june_10_2016.pdf

3. Attached declaration of Peter Hanlon, NNSA's Office of Material Management and Minimization

http://www.srswatch.org/uploads/2/7/5/8/27584045/hanon_declaration_june_10_2016.pdf

Page xi (or page 12 of 48) of Hanlon declaration:

5. All transfers of defense plutonium to be processed by the MOX facility were suspended in 2014. Hanlon Decl. ¶ 11, Ex. 8.

6. No transfers of any foreign-source plutonium to South Carolina are planned for the next two years. Hanlon Decl. ¶ 6, 10, 11.

4. Secretary of Energy Moniz letter to Gov. Haley, dated January 19, 2016

http://www.srswatch.org/uploads/2/7/5/8/27584045/moniz_letter_to_gov_haley_january_19_2016.pdf

5. Original February 9, 2016 filing by State of South Carolina:

http://www.srswatch.org/uploads/2/7/5/8/27584045/federal_district_court_south_carolina_state_2016-02-09-mox-complaint-final.pdf

6. Federal law on plutonium removal from South Carolina & penalties: 50 USC 2566: Disposition of weapons-usable plutonium at Savannah River Site (with history of language)

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title50-section2566&num=0&edition=prelim>

7. SRS Watch news release, June 21, 2016, on June 30, 2016 federal court hearing in Columbia, SC on State of South Carolina's case to start removing plutonium from SRS – with judge's ruling that June 30 hearing will be held & link to SRS Watch assessment of plutonium-removal law:

http://www.srswatch.org/uploads/2/7/5/8/27584045/savannah_river_site_watch_on_june_30_2016_plutonium_hearing.pdf

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