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**SERIOUS SECURITY ISSUES AT MOX PLUTONIUM FACTORY
RECOGNIZED BY REGULATORS
Environmental Groups Win Public Hearing on Plutonium Inventory Accounting**

ATLANTA, GA (4/1/11): Concerns about the adequacy of plutonium control and accounting measures at a nuclear fuel fabrication facility now under construction at a Department of Energy (DOE) site in South Carolina were accepted for hearing today by the Nuclear Regulatory Commission (NRC) Atomic Safety and Licensing Board (ASLB).

The issues were raised by Nuclear Watch South, Blue Ridge Environmental Defense League (BREDL) and Nuclear Information & Resource Service (NIRS) who have a legal intervention before the NRC opposing a license for a MOX plutonium fuel factory to operate at Savannah River Site (SRS) in South Carolina. The MOX factory would process up to 50 metric tons of the nation's surplus weapons-grade plutonium into MOX plutonium fuel for nuclear reactors.

Dr. Edwin S. Lyman, a Senior Scientist with the Union of Concerned Scientists in Washington, DC, assisted in the preparation of legal contentions with Diane Curran, Washington DC-based public attorney, and filed the sensitive unclassified non-safeguards information (SUNSI) concerns about inadequate measures for control and accounting of weapons-grade plutonium on behalf of the environmental groups and their members.

"This ruling concerning production of plutonium fuel is a very positive development to protect public health and safety from a dangerous nuclear project," says Glenn Carroll, coordinator of Nuclear Watch South. "It is frankly ridiculous that Shaw AREVA MOX Services would wait until this late in the game to show up empty-handed without plans for safeguarding weapons-grade plutonium. SHAMS has squandered billions of tax dollars in construction of an unfinished, unsafe design to remanufacture plutonium into MOX. The 'MOX boondoggle' should be suspended immediately, especially now that we see the MOX plutonium reactor crumbling and spewing plutonium at Fukushima, Japan."

"It is gratifying that the Board has concluded that the intervenors have raised issues of the highest safety significance," said Dr. Lyman. "It makes no sense for taxpayers to spend billions of dollars on a MOX fuel program that will only increase the risk that terrorists can divert or steal weapon-usable plutonium for use in a crude nuclear weapon. Construction on the MOX plant needs to be halted until these fundamental security issues can be resolved."

Dr. Lyman's contentions concern the failure of applicant Shaw AREVA MOX Services (SHAMS) to adequately address material control and accounting (MC&A) for the sensitive nuclear fissile material weapons-grade plutonium. The panel of NRC administrative judges found the issues raised by Dr. Lyman so significant to public safety and national security, that they stated they would have had to raise the issues themselves to see that they are addressed before granting SHAMS a license had the environmental groups not met the tough standards for launching a public hearing.

The MOX plutonium fuel factory at SRS proposes to utilize up to 50 metric tons of surplus weapons-grade plutonium to produce an experimental reactor fuel called MOX. A nuclear bomb like the one at Nagasaki, Japan, requires only 15 pounds of plutonium. Plans for nuclear weapons are available on the internet therefore plutonium security is paramount to national, even global, security. The U.S. MOX plutonium program is already in disarray as the MOX factory design is still unfinished, MOX factory construction is more than 10 years behind schedule and is costing taxpayers \$500 million per year.

A test of weapons-grade MOX plutonium fuel assemblies failed in Duke Power's Catawba reactor in 2008 and Duke withdrew from the MOX program. DOE still does not have any other reactors lined up to use the proposed MOX plutonium fuel but is considering MOX use in Tennessee Valley Authority's Browns Ferry's GE Mark I reactors in Alabama. Permission to use MOX plutonium fuel would require reactor licensees to undergo years of testing and licensing by the NRC. The Browns Ferry reactors are of the same design which failed in the nuclear disaster unfolding at Fukushima, Japan. Unit 3 at Fukushima was loaded with "reactor-grade" MOX in September 2010.

Nuclear Watch South and environmentalists continue to call for plutonium immobilization in the glassification process for 60-year-old inventories of high-level radioactive waste in underground storage tanks at SRS as the preferable alternative to MOX plutonium.

The ASLB's 4/1/11/order states: "We believe this [the concerns raised by Nuclear Watch South and others] so strongly that had we found that timeliness concerns do bar admission of these contentions, we would have joined the Dissent's [Judge McDade, below] suggestion that the matter deserves *sua sponte* review under 10 C.F.R. § 2.340(a) and referred the matter to the Commission on that basis. In that regard, we agree in its entirety with the Dissent's explanation that the new contentions raise significant public safety and national security issues." The order was written by Michael C. Farrar, Chairman and Nicholas G. Trikouros of the ASLB.

A dissenting opinion was written by Lawrence G. McDade in which he did not agree that the environmental groups had met the filing deadline, but strongly asserted the serious nature of the nuclear security issues that remain inadequately addressed. "The question of a serious safety inadequacy in the MOX fuel fabrication facility remains. And any question regarding the ability to meet these requirements can have serious consequences with respect to the possibility of loss or diversion of nuclear materials from the MOX facility," said Judge McDade in the 4/1/11 MOX Order.

The ASLB Order is posted at:

<http://www.nonukesyall.org/pdfs/MOX%2004%2001%2011mo.pdf>

NRC Press Release:

<http://www.nonukesyall.org/pdfs/11-061.pdf>

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