EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS
www.house.gov/markey

ENERGY AND COMMERCE COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET
RESOURCES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515–2107

2108 RAYBURN BUILDING
WASHINGTON, DC 20515–2107
(202) 225–2836

DISTRICT OFFICES:
5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396–2900

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875–2900

March 14, 2002

The Honorable Spencer Abraham
Secretary, U.S. Department of Energy
Washington, DC 20585

Re: Need for Supplemental EIS on Plutonium Disposition

Dear Secretary Abraham:

I am writing to urge you to direct the Department of Energy's (DOE) Office of Fissile Material Disposition to prepare a Supplemental Environmental Impact Statement (SEIS) on plutonium disposition.

In September 2000, the United States and Russia agreed to a hybrid or "dual-track" approach for disposing of surplus plutonium. Under that agreement, the United States would dispose of 8.4 metric tons (MT) via immobilization and 25.6 MT as mixed plutonium-uranium oxide fuel (MOX). I remain strongly opposed to the disposition of surplus plutonium via processing into MOX fuel, since this would create a commercial market for weapons-grade nuclear materials and blur the long-standing distinction between civilian and military applications of nuclear technology.

DOE's January 11, 2000 *Record of Decision (ROD) for the Surplus Plutonium Disposition Final Environmental Impact Statement* advocated the use of the hybrid approach described above. On January 23, 2002, DOE, with little clarification and no public input, announced that is has reversed its "dual-track" policy, which was developed over many years via a public process, and presented a substantially altered plan. The DOE regulations associated with the National Environmental Policy Act of 1969 (NEPA) stipulate that "DOE shall prepare a supplemental EIS if there are substantial changes to the proposal or significant new circumstances or information relevant to environmental concerns."

Clearly, a number of substantial changes to plutonium disposition program as it was presented in the *Surplus Plutonium Disposition Final Environmental Impact Statement* in December 1999 have been made, all of which require DOE to conduct a SEIS. These changes include:

1) The cancellation of the immobilization track, with 6.4 MT of plutonium being shifted from immobilization to MOX fuel and 2 MT of plutonium being sent directly to waste at an unspecified site;
2) The addition of a large amount of unspecified purification equipment in the MOX Fuel Fabrication Facility in order to process the 6.4 MT of plutonium, the processing of which has never been analyzed in any EIS;

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3) The decision to build a new waste solidification plant at the Savannah River Site to process and solidify the liquid transuranic (TRU) and uranium waste streams coming the MOX plant, with TRU waste bound for the Waste Isolation Pilot Plant; and,
4) The decision to use two additional reactors to use MOX, in an attempt to increase the disposition rate from 2 MT of plutonium per year to 3.5 MT per year. Given that Dominion Resources has withdrawn its North Anna reactors from consideration for MOX use, it is unknown what reactors are being considered for the expanded MOX mission. Further, it appears technically impossible for six reactors, including the four Duke Power reactors already under contract, to meet the 3.5 MT disposition rate since each reactor can process only 0.5 MT per year.

Due to the substantial changes cited above, it is clear that DOE is required by law to prepare a SEIS. Simply amending the Record of Decision on plutonium disposition without preparation of a thorough SEIS analysis would not meet DOE's NEPA obligations. Given the national security significance of the plutonium disposition program, it is imperative that DOE immediately begin an open and public SEIS process.

Thank you for your consideration of this urgent matter. I look forward to your timely response. If you have any questions or concerns, please have your staff contact Dr. Kristen Kulinowski or Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,

Ed Markey

Edward J. Markey
Member of Congress

Cc: The Honorable Jim Hodges