

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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August 26, 2013

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Ave, S.W.
Washington, D.C. 20585

Dear Secretary Moniz:

On August 13, the U.S. Court of Appeals for the District of Columbia Circuit issued a Writ of Mandamus compelling the Nuclear Regulatory Commission (NRC) to resume its review of the Department of Energy's (DOE's) license application to construct a repository at Yucca Mountain. In light of this decision, the Committee on Energy and Commerce is continuing oversight of DOE's actions relating to the license review. Accordingly, we write to request that you provide a witness for a hearing before the Subcommittee on Environment and the Economy, scheduled for September 10, 2013, to update the Committee on DOE's actions to cooperate with the NRC and with the Court's decision given DOE's status as the license applicant.

On April 11, 2013, Asst. Secretary Peter Lyons testified before the House Energy and Water Appropriations Subcommittee that DOE had \$18.5 million in Nuclear Waste Fund money remaining from previous appropriations. In a July 31, 2013 hearing before the Subcommittee on Environment and the Economy, you testified that if the Court directed the NRC to resume its review of the Yucca Mountain license application, DOE would support it, given appropriations.

Our country has invested 30 years and \$15 billion in determining whether Yucca Mountain would be a safe repository. A critical milestone in the license review process is the NRC's public release of its Safety Evaluation Report (SER) on the proposed Yucca Mountain design. The SER documents the NRC technical staff's independent evaluation to determine whether the repository will comply with public health, environmental, and safety standards, including such standards that apply after the repository is closed. It is our expectation that the NRC's first action to comply with the Court's decision will be to complete the SER and issue it publicly. Given DOE's available resources, and your testimony, we expect DOE to fully support the NRC in this objective. In keeping with a similar commitment made by the NRC, we ask that DOE begin providing monthly reports detailing actions and expenditures in support of the license review. We look forward to the first of these reports in September.

To assist in the Committee's preparation for the forthcoming hearing, please provide the following information no later than September 6, 2013:

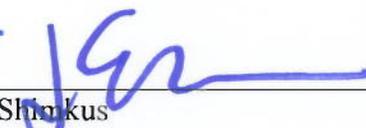
- 1) A description of actions already taken to cooperate with the NRC and with the August 13 Court Order, including any reassignment of staff or direction given to contractors;
- 2) A list of active contracts that could be utilized in support of the license review;
- 3) A detailed description of all resources available to support the license review including any unexpended funds, either obligated or unobligated to existing contractors or national laboratories; and
- 4) Copies of any schedule or work plans developed by DOE or its contractors for the purpose of restarting the Yucca Mountain repository program.

Should you have any questions, please contact Annie Caputo of the Committee staff at 202-225-2927.

Sincerely,



Fred Upton
Chairman



John Shimkus
Chairman
Subcommittee on Environment and the Economy

Attachment

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Paul Tonko, Ranking Member
Subcommittee on Environment and the Economy