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ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

September 30, 2013

Dr. Peter B. Lyons
Assistant Secretary for Nuclear Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Dr. Lyons:

Thank you for appearing before the Subcommittee on Environment and the Economy on Tuesday, September 10, 2013, to testify at the hearing entitled "Implementing the Nuclear Waste Policy Act – Next Steps."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Monday, October 14, 2013. Your responses should be e-mailed to the Legislative Clerk in Word format at Nick.Abraham@mail.house.gov and mailed to Nick Abraham, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman

Subcommittee on Environment and the Economy

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

Attachment

The Honorable John Shimkus

1. In terms of the DOE's activities on spent nuclear fuel and high-level waste disposal, please indicate which activities receive higher priority and leadership focus:
 - a. Following the Nuclear Waste Policy Act, complying with the August 13, 2013 Writ of Mandamus by the D.C. Circuit Court, and defending the Yucca Mountain license application; or
 - b. DOE's *Strategy for the Management and Disposal of Used Nuclear Fuel and High-level Waste* which has not been authorized by Congress.
2. Your response to my letter of August 26, 2013, letter listed several active contracts. Please provide a list of the expiration dates for those contracts, whether DOE intends to allow those contracts to expire, and any actions DOE intends to take to extend contracts and preserve DOE's access to those services and expertise.
3. Is DOE preparing to assemble a team of personnel and the contractor support necessary to defend the license application? If not, why not? If so, please describe the actions underway.
4. When will DOE provide the Committee a detailed estimate of the resources necessary for DOE to resume its program to support completion of the license review?
5. What was the basis for DOE's conclusion that the NWPA funds could be used to shut down the licensing process?
6. Has DOE examined whether the use of Nuclear Waste Fund money to close down the Yucca Mountain program was a violation of the Purpose Act? If so, please provide a legal memo outlining DOE's conclusions.
7. Is DOE examining options for restoring or reimbursing the Nuclear Waste Fund money that was misspent on terminating the Yucca Mountain program? If so, please provide us a legal memo outlining DOE's conclusions.

The Honorable Robert E. Latta

1. Please explain the basis for your refusal to commit that DOE will neither attempt to slow or obstruct the resumption or pace of the licensing review.

The Honorable Bill Johnson

1. Will DOE, as the applicant in the Yucca Mountain license proceeding, once again advocate in favor of NRC granting construction authorization?

The Honorable John D. Dingell

1. A D.C. Circuit Court decision in 2012 ordered DOE to reevaluate the fee assessment. Since the Yucca Mountain facility has not moved forward in recent years and there is statutorily no alternative site for a permanent high-level waste repository, has DOE considered whether it should continue to assess the fee?