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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

The Honorable Allison M. Macfarlane  
Chairman  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Macfarlane:

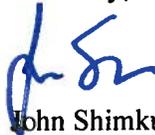
Thank you for appearing before the Subcommittee on Environment and the Economy on Tuesday, September 10, 2013, to testify at the hearing entitled "Implementing the Nuclear Waste Policy Act – Next Steps."

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](mailto: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. You testified that “The Commission has also directed NRC offices to gather pertinent budgeting information during this 30 day comment period” referring to the time period for parties to submit comments. When will the staff provide recommendations to the commission based on the budget information gathered? When will the staff provide recommendations to the Commission based on the comments by the parties?
2. Is NRC examining options for restoring or reimbursing the Nuclear Waste Fund money that was misspent on terminating the Yucca Mountain license review? If so, please provide us a legal memo outlining NRC’s conclusions.

**The Honorable Phil Gingrey**

1. What process will the Commission use to approve expenditures from the Nuclear Waste Fund?
2. Please provide a list of the staff who were working on the Safety Evaluation Report in September of 2010 including a total in Full-Time-Equivalents (FTEs) and total salary cost. Please indicate whether they have since retired or left the NRC. If they remain employed at NRC, please indicate which office they are currently assigned to, what project or subject matter they are working on, and whether it is designated as “mission critical”. Please also provide a definition of what the Commission considers to be “mission critical.”
3. Before deciding to request comments from the parties by Sept. 30, were Commissioners provided with a cost estimate for collecting and analyzing those comments? What was the estimated cost? Aside from recommending the comment period, what other options did the staff provide to the Commission? What was the staff’s justification for seeking comments?

**The Honorable Robert E. Latta**

1. Are all Licensing Support Network documents available electronically to the licensing proceeding parties and the public via NRC’s ADAMS system?
2. Is it true that the licensing proceeding could resume without activation of the Licensing Support Network and be conducted “as a large paper case” as indicated by an NRC attorney in May 12, 2012, oral arguments for the Aiken County case?
3. You testified that the Licensing Support Network “would have to be reconstituted as part of moving forward.” Does that mean the Commission has made a decision in regard to “Nye County’s Motion for Lifting of Suspension of Yucca Mountain Licensing Proceeding, Scheduling of Immediate Case Management Conference, and Issuance of Related Administrative Orders” filed with the Atomic Safety and Licensing Board’s Construction Advisory Board on August 23, 2013?

**The Honorable Greg Harper**

1. Does your Sept. 9, 2013, decision represent final agency action in response to “Nye County’s Motion For Recusal/Disqualification of NRC Commissioner Allison M. Macfarlane and Points and Authorities in Support of Motion” dated August 23, 2013?

2. Have you reviewed the NRC Inspector General's June 6, 2011, report "NRC Chairman's Unilateral Decision to Terminate NRC's Review of DOE Yucca Mountain Repository License Application (OIG Case No. 11-05)"?
3. Have you reviewed Allison Coggins' current role in the Office of the General Counsel? If so, please explain what ability she would have in that role to influence actions related to the Yucca Mountain license review. Please describe any actions you plan to take to mitigate how this situation creates the appearance that you are unable to be impartial.

**The Honorable John D. Dingell**

1. According to the recent ruling by the D.C. Circuit Court and testimony you've given to this Subcommittee, the NRC has approximately \$11 million of funding for the licensing review process. Since you last testified before this Subcommittee in February, has the NRC spent any of those funds? Please clarify how much and how those funds were spent.
2. I understand the NRC has an open comment period soliciting feedback on how the Commission should move forward in light of the D.C. Court's recent decision. One major step in the process is the completion of the Safety Evaluation Reports. One of the five volumes has already been completed and it is my understanding that technical evaluation reports were completed for three of the four remaining volumes.
  - a. Does the NRC have staff in place that is qualified to take these technical evaluations and complete the safety evaluations with the appropriate recommendations?
  - b. If NRC were to only focus on the completion of the Safety Evaluation Reports, do you believe you have enough funds to complete work on the Reports?