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CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

November 19, 2009

The Honorable Steven Chu  
U.S. Secretary of Energy  
1000 Independence Avenue S.W.  
Washington, D.C. 20585

Dear Secretary Chu:

I am writing to you today regarding Department of Energy (DOE) FY2010 funding for the Yucca Mountain licensing application.

The FY2010 Energy and Water Development House Report provided clear direction that the funding provided was to "support the licensing activities on the Yucca Mountain nuclear waste repository." This direction supported the Department of Energy's own budget request which stated that "the OCRWM FY2010 budget request is dedicated solely to supporting to the Nuclear Regulatory Commission license application process at the minimum level practicable." The House Appropriations Committee was even more specific in its report, which required that \$70 million of the appropriated Yucca funding would be "for the management contractor to retain the sufficient legal, scientific and technical expertise necessary to maintain and update the Yucca Mountain license application and its supporting documentation as may be required by the Nuclear Regulatory Commission." The reports clearly demonstrate Congress's determination that DOE should continue its support of the license application even as it explores other waste disposal options.

It has come to my attention that a recent internal Department of Energy document includes a statement indicating that DOE intends to terminate all licensing support activities in December 2009. Not only would such a decision be in direct breach of congressional direction as provided by the Appropriations Committee and approved by Congress, but it would force the Nuclear Regulatory Commission to end its review of the license application, prevent the orderly termination of the licensing process, and potentially trigger numerous lawsuits from the utilities and states currently housing spent nuclear fuel and high-level defense waste.

As a Member of the Energy and Water Subcommittee as well as a Member of Congress representing a high-level waste cleanup site, I am greatly concerned by these rumors. I would strongly urge you to continue the licensing process for Yucca Mountain as directed by Congress. I respectfully ask you to share with me the Department's FY2010 spending plan for the support of the Yucca Mountain licensing application process. In addition, I would appreciate your expeditious response in regards to this memo and DOE's intent to terminate funding for all licensing support activities at the end of this calendar year.

I appreciate your consideration of this request and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Mike Simpson". The signature is stylized and cursive.

Mike Simpson  
Member of Congress