



Department of Energy

Washington, DC 20585

May 2, 2012

The Honorable Fred Upton
Chairman, Committee on Energy
And Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable John Shimkus
Chairman, Subcommittee on Environment
And the Economy
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Upton and Shimkus:

Thank you for your March 22, 2012, letter requesting information on the funding resources available to the Department of Energy (DOE) for licensing activities related to the Yucca Mountain Project. Secretary Chu has asked that I respond on his behalf.

First, I would like to emphasize that DOE is committed to meeting its obligation to dispose of used nuclear fuel and high-level waste. At the direction of President Obama, Secretary Chu chartered the Blue Ribbon Commission on America's Nuclear Future to make recommendations about the best approaches to dealing with the challenges of the back end of the nuclear fuel cycle. The Commission's report, released earlier this year, will inform the Administration's work with Congress to define a responsible and achievable path forward to manage our nation's used nuclear fuel and nuclear waste.

The report of the Blue Ribbon Commission on America's Nuclear Future is a critical step toward finding a sustainable approach to disposing used nuclear fuel and nuclear waste. The Commission's report finds that a consent-based approach and a superb safety record can lead to the successful development and operation of a geologic repository for nuclear waste disposal that is fully supported by the local community. As part of the Administration's commitment to restarting the nuclear industry in America, we will work with Congress and stakeholders to pursue better, consent-based alternatives for the disposition of used nuclear materials and wastes.

As of the end of February 2012, \$60.6 million of the funds appropriated to DOE to carry out the requirements of the Nuclear Waste Policy Act (NWPA) remained unexpended. Of this amount, \$42.6 million are obligated against existing contracts and are unavailable to support new obligations. The remaining \$18.0 million is unobligated as of February, 2012. The funds are held in the following accounts:



Funds Available for Obligation to New NWPAs Activities, February 2012

Nuclear Waste Disposal:	\$ 8.8 million
Defense Nuclear Waste Disposal:	<u>\$ 9.2 million</u>
Total Available:	\$18.0 million

The Department continues to expend funds to carry out ongoing responsibilities under the NWPAs such as financial oversight of the Nuclear Waste Fund and the ongoing closeout of activities and contracts at the Yucca Mountain Project. The remaining unobligated balances listed above will be used to fund these ongoing requirements and any other activities the Department undertakes consistent with the NWPAs.

At the end of FY 2010, \$123.1 million remained unexpended of the funds appropriated to the Department of Energy to carry out the requirements of the Nuclear Waste Policy Act. Of this amount, \$10.9 million were held by the Department, \$40.0 million were unobligated, and \$72.2 million were uncosted obligations.

\$50.6 million of these dollars were costed during FY 2011, leaving a total balance of \$72.6 million at the beginning of FY 2012. So far this fiscal year, through February, an additional \$11.8 million has been costed, resulting in the unexpended balance of \$60.6 million described above.

Of the \$62.4 million costed from the beginning of FY 2011 through February 2012, \$19.5 million was for Federal program direction; \$11.8 million was for financial assistance to local governments and communities; \$6.2 million was for contract closeout related to the license application; \$16.2 million was for Yucca Mountain closeout activities, including \$3.1 million for post-closure safety analysis; and \$8.7 million was for various program support activities, including information management and nuclear waste fund audits.

If we can be of further assistance, please feel free to contact me or Mr. Christopher Davis, Deputy Assistant Secretary for House Affairs, at (202) 586-5450.

Sincerely,



Peter B. Lyons
Assistant Secretary
for Nuclear Energy