



Department of Energy

Washington, DC 20585

FEB 17 2010

The Honorable Peter J. Visclosky
Chairman, Subcommittee on Energy
and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter is to notify you of the Department of Energy's (DOE) use of reprogramming authority, as provided in the Conference Report accompanying the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Pub. L. No. 111-85). This authority is being exercised by DOE to reprogram a total of approximately \$115,000,000 within the Office of Civilian Radioactive Waste Management. Within this, approximately \$85,000,000 will be programmed within the Repository Program control point and approximately \$30,000,000 within the Program Direction control point for Yucca Mountain Project and program office termination activities within the Nuclear Waste Disposal and Defense Nuclear Waste Disposal appropriations.

As stated in the President's Budget for Fiscal Year (FY) 2010, the Administration has determined that Yucca Mountain is not a workable option for the long-term management of used nuclear fuel and that we can develop a better solution to this challenge. As a result, we do not believe it would be prudent to continue to spend tens of millions of dollars on the license application. Accordingly, the Department will discontinue its application to the U.S. Nuclear Regulatory Commission (NRC) for a license to construct a high-level waste geologic repository at Yucca Mountain. On Monday, February 1, 2010, the Department filed a motion with the NRC to stay all proceedings for 30 days. During this time, we will withdraw the application pursuant to NRC rules.

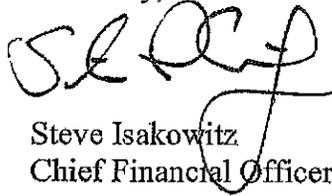
The Department intends to dedicate the remaining funds available in FY 2010 to bring the Yucca Mountain Project to an orderly close. Closeout activities include workforce transition actions for Federal and national laboratory employees; payoff and closure of the management and operating contractor's defined benefit pension plan; cancellation of contracts, including issuance of Worker Adjustment and Retraining Notification (WARN) Act notices for certain contractor employees; cancellation of leases for office space when vacated; preparation of the repository site for surveillance and maintenance pending remediation; and archiving of project and program documents and scientific material so that the lessons learned during this process are not lost. The Department intends to complete these activities by the end of FY 2010.



We continue to evaluate the scope, timing, and sequence of closeout actions based on ending licensing activities with the NRC. The Department is committed to keeping the Committees informed of our plans to make use of FY 2010 funds for closeout and termination activities.

Thank you for your continuing support of DOE's programs. If you have any questions, please have your staff contact Ms. Tara Hicks, Office of External Coordination, at (202) 586-7487.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Isakowitz', written over the printed name and title.

Steve Isakowitz
Chief Financial Officer

Enclosures

cc: The Honorable Rodney P. Frelinghuysen
Ranking Member