

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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July 28, 2008

The Honorable Samuel W. Bodman
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Secretary Bodman:

Since April of this year, the Committee on Science and Technology has been attempting to determine the basis for your decision to terminate the Department's participation in the FutureGen project as previously agreed to through a cooperative agreement with the FutureGen Industrial Alliance. The agreement was initially signed on January 31, 2007, and amended on March 23 and May 15, 2008. The public announcement of the change in FutureGen was made on Jan. 30, 2008.

Since our initial request for materials, it has become clear that the Department began its decision-making process to withdraw from its commitment to the Alliance project at least as early as April of 2007 when it began to develop a new strategy. Therefore, by this letter, we request that the Department provide the following materials:

1. All records, as defined in the Attachment, since January 1, 2007 relating to the decision to enter into or renegotiate a partnership with the FutureGen Industrial Alliance for the FutureGen project. Please limit this search to the records of Secretary Samuel Bodman, former Deputy Secretary Clay Sell, Undersecretary Bud Albright, Mr. James Slutz, Mr. Scott Klara, Mr. Ed Simpson, Mr. Jarad Daniels, Mr. Jeff Kupfer, Mr. Raj Luhar and Mr. Adam Ingols.
2. All records since January 1, 2007 relating to developing a restructured FutureGen program, which internal DOE communications sometimes refer to as "Plan B". Please limit this search to the records of Secretary Samuel Bodman, former Deputy Secretary Clay Sell, Undersecretary Bud Albright, Mr. James Slutz, Mr. Scott Klara, Mr. Ed Simpson, Mr. Jarad Daniels, Mr. Jeff Kupfer, Mr. Raj Luhar and Mr. Adam Ingols.

3. All records relating to the Office of Fossil Energy's analysis of or reports on "Plan B" or any comparisons of "Plan B" with the FutureGen Project agreed to in the cooperative agreement between DOE and the FutureGen Industrial Alliance. These records should include any draft or final analysis on the impact of "Plan B" on full commercial deployment of carbon capture and sequestration technologies, the costs of "Plan B" or the impact of "Plan B" on global climate change mitigation. We are particularly intent on receiving all materials that informed Mr Victor Der's e-mail of December 13, 2007 to Mr. James Slutz, Carl Bauer and Scott Klara. This e-mail was provided to the Committee in a June 20, 2008 document production.
4. All records relating to comparisons of the global climate change implications of the original FutureGen Project to the restructured FutureGen program or "Plan B".
5. All records relating to communications between Secretary Bodman, former Deputy Secretary Clay Sell, Undersecretary Bud Albright or any other Energy Department official and officials of Southern Power Co., AEP or any other utility or energy company concerning FutureGen or a restructured FutureGen program.
6. All records relating to the Department's January 30, 2008 "Request for Information (RFI) on the Department of Energy's Plan to Restructure Futuregen."
7. All unredacted responses to the January 30, 2008, "Request for Information (RFI) on the Department of Energy's Plan to Restructure Futuregen," as referred to in section entitled "Request for Public Comment."
8. All records related to the responses to the January 30, 2008, RFI, including the use of those responses in the development of the Draft Funding Opportunity Announcement issued by DOE on May 7, 2008.
9. All records related to the May 7, 2008, "DRAFT Funding Opportunity Announcement (FOA) seeking public comment for the restructured FutureGen Program", DE-PS26-08NT00496.
10. All responses to the May 7, 2008, "DRAFT Funding Opportunity Announcement (FOA) seeking public comment for the restructured FutureGen Program", DE-PS26-08NT00496, and their use in the development of the Final Funding Opportunity Announcement issued by DOE on June 24, 2008.
11. All records related to incorporating/responding to responses to the "DRAFT Funding Opportunity Announcement seeking public comment for the restructured FutureGen Program" in the final Funding Opportunity Announcement.

12. All records related to any technical, financial or other evaluations of carbon capture and sequestration/storage technology expected to be utilized in DOE's restructured FutureGen program.
13. All records related to the projected funding requirements for DOE's restructured FutureGen program.
14. All records related to the relationship of the restructured FutureGen program and existing Carbon Capture and Sequestration and Clean Coal Power Initiative efforts.

These documents are to be produced to the Committee's offices in Rm. B-374 of the Rayburn House Office Building by 5 p.m. on Monday August 18, 2008. If your staff has any questions or needs additional information, please contact Dr. Dan Pearson, staff director, Investigations & Oversight Subcommittee, at (202) 225-4494, or Edith Holleman, subcommittee counsel, at (202-225-8459).

Your prompt attention to this matter is greatly appreciated.

Sincerely,



BART GORDON
Chairman



NICK LAMPSON
Chairman
Subcommittee on Energy
& Environment



BRAD MILLER
Chairman
Subcommittee on Investigations
& Oversight

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.