

January 3, 2012

MEMORANDUM TO: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

FROM: R. W. Borchardt */RA/*
Executive Director for Operations

J. E. Dyer */RA/ M. Brown (for)*
Chief Financial Officer

SUBJECT: CLOSEOUT OF YUCCA MOUNTAIN REPOSITORY PROGRAM

In a memorandum to the Commission dated September 1, 2011, the staff indicated that it would complete the orderly closure of the Yucca Mountain Repository Program and the associated licensing review activities by September 30, 2011. This memorandum provides an overview of the activities accomplished by the staff.

The staff of the U.S. Nuclear Regulatory Commission (NRC) issued three Technical Evaluation Reports as knowledge management tools and completed more than 40 other knowledge capture documents with support from the Center for Nuclear Waste Regulatory Analyses (the Center). These reports augment the introductory Volume 1 of the Safety Evaluation Report for the Yucca Mountain repository, which was issued in 2010, and the many reports and documents generated over the NRC's multidecade high-level waste program. The staff closed Office of Nuclear Material Safety and Safeguards charge codes for Yucca Mountain-related licensing activities, and no further work by technical staff can be charged to the Nuclear Waste Fund (NWF).

The agency closed the Onsite Representatives' Office in Las Vegas and the Las Vegas Hearing Facility. On May 25, 2011, the NRC provided the General Services Administration (GSA) the contractually required 4-month advance notification before relinquishing the hearing facility. On September 30, 2011, NRC and GSA representatives signed all necessary paperwork to return the space to GSA upon the NRC disposing of all NRC assets at the facility and closing the facility.

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The staff completed the disposition of records and sample materials residing at the Center. The NRC's Licensing Support Network (LSN) documents were preserved and placed in the Agencywide Documents Access and Management System (ADAMS) in accordance with Orders from the NRC's Atomic Safety and Licensing Board Panel. Similarly, other parties implemented the Orders by submitting their LSN document collection to SECY. Notification of the decommissioning of the High-Level Waste Repository Performance Assessment Cluster System (EA# 2007005) was made on September 19, 2011. This standalone system was used to review the U.S. Department of Energy's Total System Performance Assessment. All applications software and data were transferred to alternate media, and all storage media used for the system have been wiped as directed in Management Directive 12.5, "NRC Automated Information Security Program," dated September 12, 2003 (ADAMS Accession No. ML11258A202).

As of October 1, 2011, the Division of High-Level Waste Repository Safety was realigned into a three-branch division and renamed the Division of Spent Fuel Alternative Strategies. This division has focused on the extended storage of spent fuel, improving the inspection program for spent fuel storage and transportation, the waste confidence rulemaking, reprocessing, and the ultimate disposal of spent fuel. Yucca Mountain Repository Program technical staff transitioned to fee-based technical activities. {

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Also, contractor staff at the Center transitioned to fee-based technical activities. {

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On September 30, 2011, the NRC had approximately {
} NWF resources remaining. The staff expects the unliquidated balance to be reduced as final invoices are received for work completed at the end of FY 2011.

The President has signed into law the Energy and Water Development Appropriations Act for Fiscal Year 2012. The Act provides no funds to either NRC or DOE to support work on the Yucca Mountain repository license application. If legitimate activities related to Yucca Mountain repository licensing are identified during FY 2012, the staff will seek Commission approval to conduct these activities and request reprogramming of NWF prior year resources.

The staff recognizes that a limited number of employees may need to engage in High-Level Waste Repository Program activities that are no longer linked to the licensing of the proposed Yucca Mountain repository, but that are responsibilities of the NRC as a Federal agency. These activities include litigation in Federal court, responding to congressional inquiries, and other NRC administrative activities such as contract administration to close out the prior year's activities.

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These activities have been determined to be appropriate corporate support costs for the NRC and will be charged accordingly.

cc: SECY
OGC
OCA
OPA

The Commissioners

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OGC
OCA
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ADAMS Accession No.: ML120100050

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