

January 24, 2014

MEMORANDUM FOR: Andrew Averbach, Acting Director
Office of Commission Appellate Adjudication

Mark A. Satorius
Executive Director for Operations

J. E. Dyer
Chief Financial Officer

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:10 P.M.,
FRIDAY, JANUARY 24, 2014, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

- I. SECY-13-0138A/SECY-13-0138 – U.S. Department of Energy (High-Level Waste Repository): State of Nevada Petition for Clarification of November 18, 2013 Restart Order and Related Staff Requirements Memorandum (Nov. 27, 2013); "Five Parties" Motion for Reconsideration of Memorandum and Order (Nov. 27, 2013)

The Commission¹ approved a Memorandum and Order responding to a motion for reconsideration of the Commission's decision in CLI-13-8 by the "Five Parties" and the petition for clarification of CLI-13-8 and the companion Staff Requirements Memorandum by the State of Nevada. The Memorandum and Order denies both Nevada's and the Five Parties' requests.

(Subsequently, on January 24, 2014, the Secretary signed the Memorandum and Order.)

The Commission also provides further direction on the use of newly de-obligated contract funds. The activities directed in CLI-13-08 – completion and issuance of all volumes of the Safety Evaluation Report (SER) and of the supplemental Environmental Impact Statement (EIS) – continue to be the Commission's highest priority actions. The staff should use a portion of recently de-obligated, unexpended Nuclear Waste Fund (NWF) appropriations to enable public access to the Licensing Support Network documents currently being loaded into ADAMS. The staff should allocate the recently de-obligated funds only after the staff has collected three months of additional data on actual project expenditures. If actual costs run

¹ Commissioner Apostolakis did not participate in this matter. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Macfarlane, and Commissioners Svinicki and Ostendorff were present in the Conference Room. Commissioner Magwood participated in the meeting via speakerphone.

consistent with estimates in the initial months, the staff should so notify the Commission and should allocate an appropriate portion of the recently de-obligated funds to the activities necessary for making Licensing Support Network documents available in public ADAMS.

Additionally, the monthly reports currently being produced by the staff for reporting to the Commission and for the Commission to use in reporting to the Congress should be combined. As the staff gains experience in the execution of the tasks directed in SRM-SECY-13-0113, the staff should propose any modifications in format and content to the combined report in order to improve the efficacy of the report's communication of salient project accomplishments, challenges, and funding outlays.

Additionally, the staff should provide quarterly briefings to the Commission staff in order to provide detailed information on progress towards completion, the pace of expenditure of funds, and issues that arise in the course of the project.

The Commission will continue to closely monitor all ongoing activities and NWF expenditures to ensure effective implementation of Commission direction and the prudent use of funds. If at any point the staff becomes concerned that it cannot implement the Commission's direction with the available NWF monies, the staff should immediately notify the Commission.

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR