

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for September 2015**

Background

On August 13, 2013, a panel of the U.S. Court of Appeals for the District of Columbia Circuit issued its decision in the case *In re Aiken County* directing the U.S. Nuclear Regulatory Commission (NRC) to “promptly continue with the legally mandated licensing process” for the U.S. Department of Energy’s (DOE’s) application to construct a geologic repository for high-level waste at Yucca Mountain, NV. The NRC promptly began taking steps to comply with the court’s direction following the issuance of the decision. On November 18, 2013, the Commission approved a memorandum and order, which set a course of action for the Yucca Mountain licensing process that is consistent with the Appeals Court decision and with the resources available. The Commission also issued a related staff requirements memorandum (SRM) on November 18, 2013. The Commission provides further direction to the staff as needed.

Accomplishments and Ongoing Work

The NRC staff in the Office of Nuclear Material Safety and Safeguards, with the support of the Center for Nuclear Waste Regulatory Analyses, prepared and issued Volumes 2, 3, 4, and 5 of the safety evaluation report (SER) over the course of a year, completing the last volumes in January 2015. All of these documents are available on the NRC’s website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1949/>. The NRC also distributed the documents to the participants in the adjudicatory proceeding and other interested stakeholders. Completion of the SER cost approximately \$8,328,000.

In December 2014, the staff provided the Commission with its assessment of available remaining funding from the Nuclear Waste Fund (NWF). The assessment (COMSECY-14-0041, “Yucca Mountain Project Activities” dated December 24, 2014), which includes a description of proposed work, is available on the NRC’s website at <http://pbadupws.nrc.gov/docs/ML1506/ML15062A495.html>. On February 3, 2015, the Commission responded to the COMSECY by approving the staff’s recommendations to develop an environmental impact statement (EIS) supplement and undertake certain SER “wrap-up” activities, including records retention and the development of lessons-learned reports. The Commission also approved a path forward for making Licensing Support Network (LSN) documents publicly available. The Commission’s SRM (“Staff Requirements – COMSECY-14-0041 – Yucca Mountain Project Activities”) is available on the NRC’s website at <http://pbadupws.nrc.gov/docs/ML1503/ML15034A086.pdf>.

On August 13, 2015, the staff published its draft “Supplement to the U.S. Department of Energy’s Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada,” NUREG-2184. This document is available at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2184/>. The staff announced the start of a 60-day public comment period on the draft supplement in the *Federal Register* on August 21, 2015. In response to stakeholder requests, the staff extended the comment period for an additional month. The comment period now closes on November 20, 2015. The NRC staff also announced that it will be holding a public teleconference on November 12, 2015, in addition to the public

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teleconference held on October 15, 2015. The updated *Federal Register* notice, published on September 18, 2015, is available at <https://www.federalregister.gov/articles/2015/09/18/2015-23510/department-of-energy-yucca-mountain-nye-county-nevada-correction>.

In September, the NRC staff held three public meetings to receive comments on the draft supplement. The meetings were held in Rockville, Maryland, on September 3; in Las Vegas, Nevada, on September 15; and in Amargosa Valley, Nevada, on September 17. Information about the meetings—including meeting summaries, transcripts, handouts, and the staff's presentations—is available at <http://www.nrc.gov/waste/hlw-disposal/key-documents.html>.

Concerning wrap-up activities, the staff continued work on a lessons-learned report. It completed other wrap-up work related to the records retention project in April.

Schedule and Cost for Activities Directed in SRM of February 3, 2015

The Commission has approved the staff's schedule and revised cost estimate for completing the EIS supplement that the staff has determined is needed for the review of DOE's application under the National Environmental Policy Act and the Nuclear Waste Policy Act. The staff estimates that it will take a period of 12-15 months at an approximate cost of \$2 million to complete the EIS supplement (see Table 1 below). The staff does not anticipate that the extension of the public comment period will result in changes to the cost estimate or the schedule for the supplement. The staff expects to publish the final supplement in the first half of calendar year 2016.

The Commission has approved the staff's recommendation to proceed with SER "wrap-up" activities. The specific activities are records retention and management, including the archiving of documents used in preparing the SER, and the development of lessons-learned reports about aspects of the licensing process. The staff estimated that these activities would require approximately 1–2 months of work, at a cost of approximately \$100,000. As noted above, the records retention task was completed in April 2015. The remaining "wrap-up" activities will proceed in parallel with completion of the EIS supplement and LSN tasks.

The Commission has also directed that the LSN document collection be loaded into a publicly accessible library in the Agencywide Documents Access and Management System (ADAMS) with enhanced search capability. It is estimated that this task can be completed in 6-8 months at a cost of approximately \$1.1 million. This activity would not begin until late 2015, after verification that sufficient funding is available.

The estimate to complete the work directed in the February 3, 2015, SRM (EIS supplement, SER wrap-up activities, and loading LSN documents) is approximately \$3.2 million.

Nuclear Waste Fund Expenditures

During the month of September, the NRC expended \$117,400 of NWF funds on its actions in direct response to the court's decision and was refunded \$4,228 from prior year contract payments, resulting in a \$113,172 net increase in expenditures. Cumulative expenditures since the August 13, 2013, U.S. Court of Appeals decision are \$10,079,803. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the \$10,079,803, results in a remaining unexpended balance of \$3,469,512. Total unobligated NWF funds remaining as of September 30, 2015, are \$2,836,203. The following table provides further details regarding the NRC's expenditure of NWF funds since August 13, 2013.

Table 1 Status of NRC NWF Funds since the August 13, 2013, Court Decision			
Yucca Mountain Licensing Activities	Cost Estimate	September Expenditures	Cumulative Expenditures
Completion of the safety evaluation report	\$8,310,000	\$0	\$8,327,671
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$0	\$0
Development of the EIS supplement	\$2,000,000	\$116,756	\$678,335
SER wrap-up activities	\$100,000	\$0	\$42,919
Program planning and support	\$825,000	\$644	\$441,045
Response to the August 30, 2013, Commission order		\$0	\$137,518
Federal court litigation*		\$0	\$154,903
Support and advice in NRC proceedings		\$0	\$35,535
Subtotal, other support costs chargeable to NWF funds		\$644	\$769,001
Adjustments to close out contracts funded by previous NWF appropriations**		(\$4,228)	(\$15,793)
Total	\$12,685,000	\$113,172	\$10,079,803

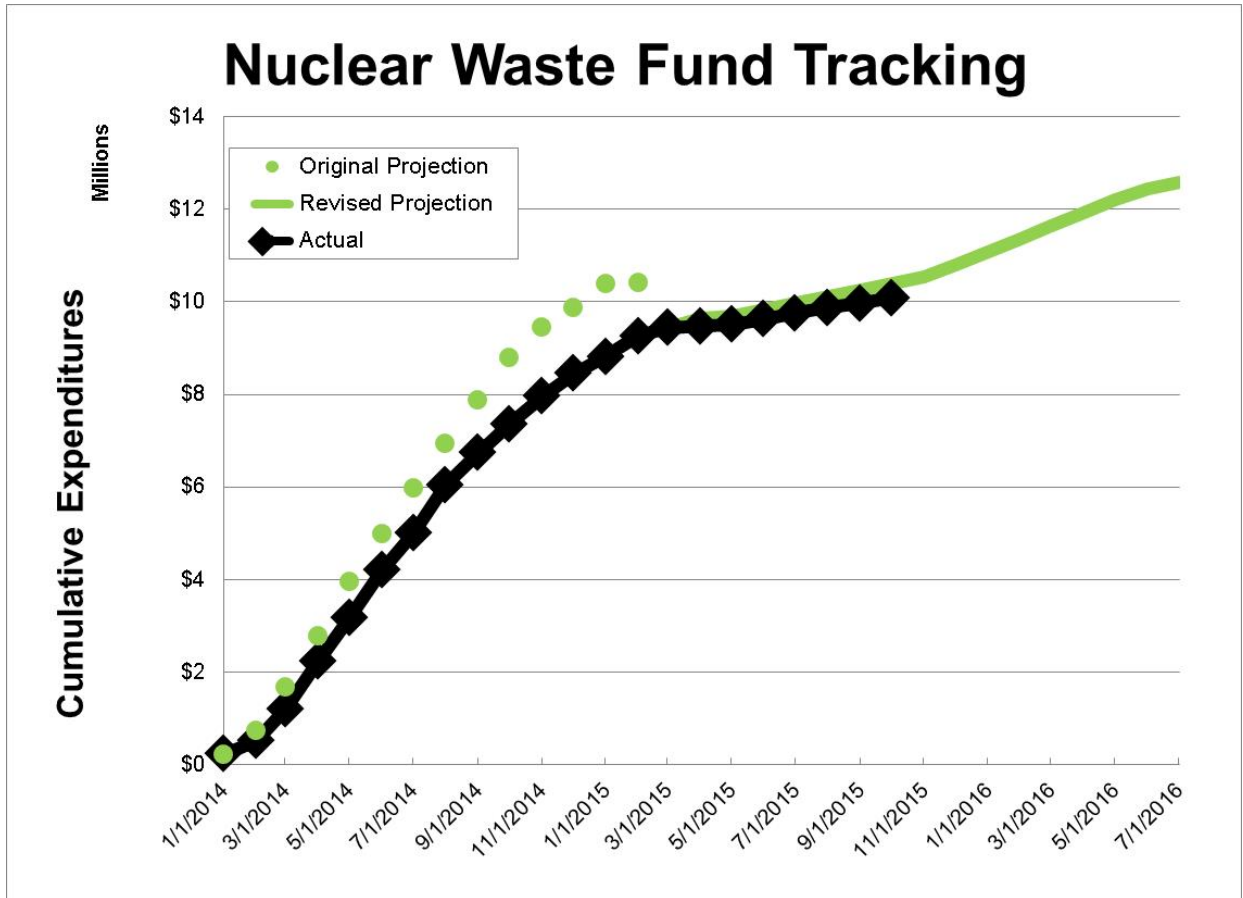
*Includes a \$59,000 expenditure in May 2014 for the agency's agreement to settle the Equal Access to Justice Act claim of one of the *Aiken County* petitioners. On October 23, 2014, the Court of Appeals for the District of Columbia Circuit denied the motion from other parties requesting reimbursement for attorneys' fees.

** During September, 2015, NRC was refunded \$4,228 from a prior year contract obligation as a result of a contract closeout.

The unexpended NWF fund balance of \$3,469,512 includes \$293,934 of previously appropriated NWF funds that remain unexpended but obligated on contracts with the Center for Nuclear Waste Regulatory Analyses.

Figure 1 on page 4 shows the cumulative projected and actual expenditures. Projected expenditures include cost estimates shown in Table 1. The actual cumulative expenditures reflect costs through September 30, 2015, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

On September 3, the NRC staff held a public meeting at NRC headquarters in Rockville, Maryland, to receive comments on the draft EIS supplement. At this meeting, the NRC staff announced its decision to extend the public comment period for an additional month and to hold an additional teleconference to receive comments on the document. The comment period now closes on November 20, 2015.

During the week of September 14, the NRC staff held public meetings in Las Vegas, Nevada and in Amargosa Valley, Nevada, to receive comments on the draft EIS supplement. Attendees at the public meetings included members of the public, representatives of federal, state, local, and tribal governments, and members of industry and public advocacy groups.