

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for February 2016**

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 \$8,365,000.

On February 3, 2015, the Commission directed the staff 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 NUREG-2184, “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.” The NRC received comments on the draft supplement at the public meetings, by mail, and through the regulations.gov website. Comment summaries and responses will be included in the final supplement as an appendix. Summaries, transcripts, and other materials from the five public meetings held to receive comments on the draft document are available at <http://www.nrc.gov/waste/hlw-disposal/key-documents.html#er>.

During February 2016, the NRC staff continued reviewing, and began developing responses to, public comments in order to complete the final EIS supplement. Progress on the project to place the LSN document collection into a publicly accessible library in the Agencywide

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Documents Access and Management System (ADAMS) also continued in February. The loading process for the LSN documents is progressing as planned, and the security scanning process for the servers that will be used for the library was successfully completed in February.

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

The Commission 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 expects to publish the final supplement in the first half of calendar year 2016.

The staff completed wrap-up work related to records retention in April 2015, including the archiving of documents used in preparing the SER. The staff has begun the development of a lessons-learned report about aspects of the licensing process, which is scheduled to be completed in parallel with the EIS supplement. The staff estimated that these activities would cost approximately \$100,000.

The Commission also directed that following the close of the public comment period for the draft EIS supplement and upon verification that sufficient funding is available, the LSN document collection be loaded into a publicly accessible ADAMS library with enhanced search capability. It is estimated that this task can be completed by the end of fiscal year 2016 at a cost of approximately \$1.1 million.

The total 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 February, the NRC expended \$237,903 of Nuclear Waste Fund (NWF) funds on its actions in direct response to the court’s decision. Cumulative expenditures since the August 13, 2013, U.S. Court of Appeals decision are \$11,337,504. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the \$11,337,504, results in a remaining unexpended balance of \$2,211,811. Total unobligated NWF funds remaining as of February 29, 2016, are \$1,666,581. 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	February Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
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	\$98,021	\$726,806
Development of the EIS supplement	\$2,000,000	\$139,593	\$1,169,387
SER wrap-up activities	\$100,000	\$0	\$42,919
Program planning and support	\$825,000	\$289	\$443,682
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		\$289	\$771,638
Adjustments to close out contracts funded by previous NWF appropriations		\$0	(\$15,793)
Total	\$12,685,000	\$237,903	\$11,337,504

*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.

The unexpended NWF balance of \$2,211,811 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 February 29, 2016, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking

