

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for September 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 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 that 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 on November 18, 2013, which, among other things, directed the NRC staff to complete and issue the Safety Evaluation Report (SER) associated with the construction authorization application.

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 a lessons-learned report. The Commission also approved a path forward for making Licensing Support Network (LSN) documents publicly available in the Agencywide Documents Access and Management System (ADAMS). The Commission will provide further direction as needed.

Table 1 provides a breakdown of estimates and expenditures for all of the Commission-directed activities.

Accomplishments and Ongoing Work

All of the activities directed by the Commission thus far are complete, with the exception of a task to place the LSN documents into a publicly accessible library in ADAMS. In mid-August 2016 the LSN Library, which includes 3.692 million items, was made publicly available via the NRC website (<http://www.nrc.gov/reading-rm/lsn/index.html>). As of September 30, 2016, progress had been made in addressing issues with many of the 55 remaining documents of the 130 determined to have anomalies, as discussed in SECY-16-0091, “Making Licensing Support Network Documents Publicly Available,” dated July 29, 2016 (available at <http://www.nrc.gov/docs/ML1621/ML16210A436.pdf>). The total estimated cost for loading the LSN documents into a publicly accessible ADAMS library with enhanced search capability is approximately \$1.1 million. This task, including all document reconciliation activities, is anticipated to be completed by the end of calendar year 2016.

By the end of this year, the staff intends to send options for spending any remaining funds to the Commission for its consideration.

Enclosure

Nuclear Waste Fund Expenditures

During the month of September 2016, the NRC expended \$20,872 of Nuclear Waste Fund (NWF) funds on its actions in direct response to the court’s decision and adjusted September 2015 salary and benefit costs from estimated to actual costs, resulting in a \$5,230 net reduction in expenditures. Cumulative expenditures since the August 13, 2013, U.S. Court of Appeals decision are \$12,091,845. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,091,845, results in a remaining unexpended balance of \$1,457,470. Total unobligated NWF funds remaining as of September 30, 2016, are \$1,352,834. Table 1 provides further details on the NRC’s expenditure of NWF funds since August 13, 2013.

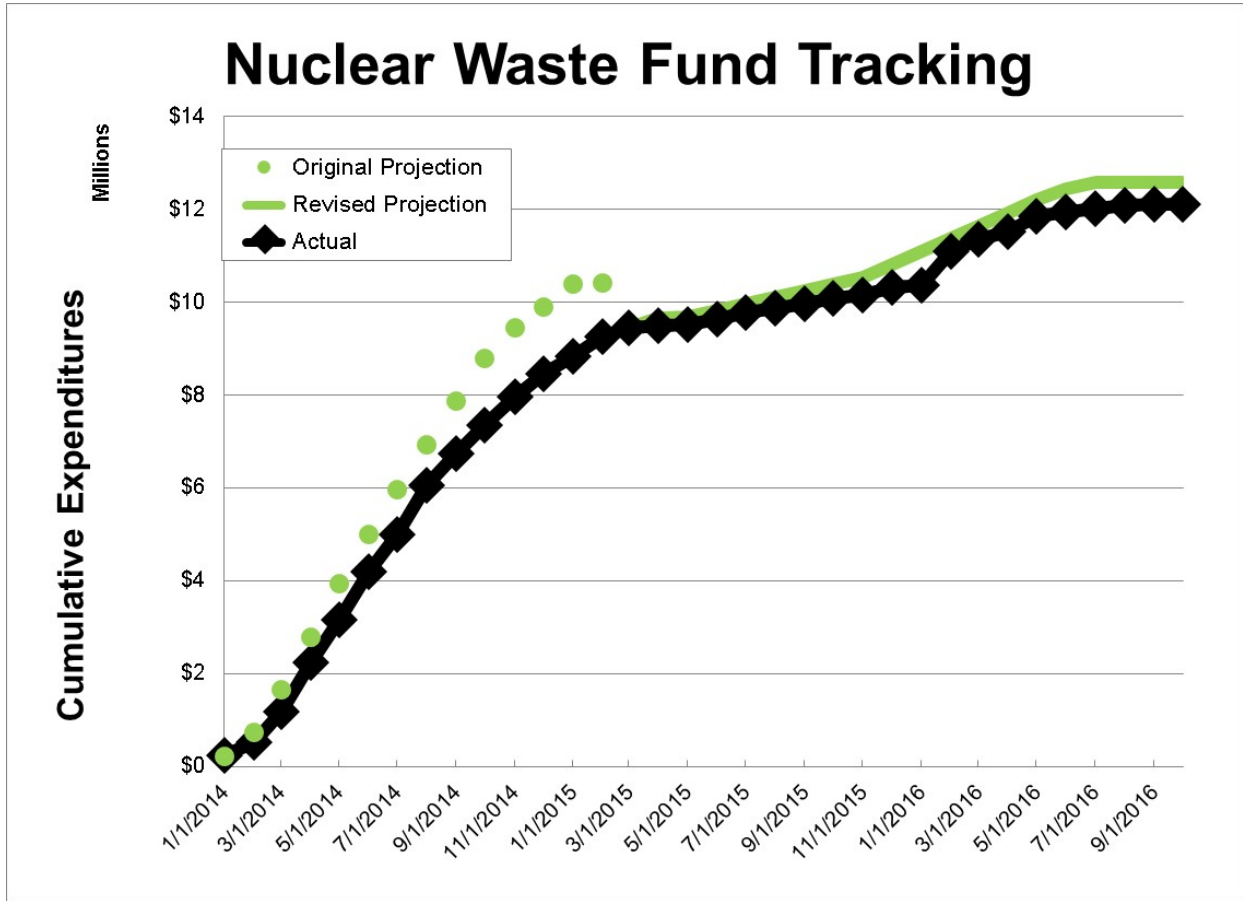
Table 1 Status of NRC NWF Funds since the August 13, 2013, Court Decision			
Yucca Mountain Licensing Activities	Cost Estimate	September Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$15,630	\$1,044,012
Development of the EIS supplement	\$2,000,000	(\$24,951)	\$1,541,482
SER wrap-up activities	\$100,000	\$0	\$53,327
Program planning and support	\$825,000	\$4,091	\$467,653
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		\$4,091	\$795,609
Adjustments to close out contracts funded by previous NWF appropriations		\$0	\$14,868
Total	\$12,685,000	(\$5,230)	\$12,091,845

*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 \$1,457,470 includes \$104,637 of unexpended obligations, including on contracts with the Center for Nuclear Waste Regulatory Analyses and related to loading the LSN documents into public ADAMS.

Figure 1 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, 2016, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

No stakeholder communications or interactions occurred in September 2016.