

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for February 2017**

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 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).

On November 8, 2016, the Commission directed the staff to update the collection of knowledge management reports on the staff’s Yucca Mountain review activities, in order to capture new insights. The previous knowledge management reports were completed in 2011.

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 to date are complete, with the exception of administrative work to synchronize the public LSN Library and the agency’s existing internal ADAMS library of LSN documents, and the knowledge management task described below.

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>). The agency has substantially completed the work needed to incorporate the documents and header corrections necessary to address the anomalies identified 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>). However, in late February the City of Caliente, Nevada, provided previously requested, missing documents. These will be incorporated into the public LSN Library in March. In addition, the recent additions to the public LSN Library will be placed into the agency’s existing internal ADAMS library of LSN documents, so the databases will be synchronized. The synchronization effort, in conjunction with the

Enclosure

document reconciliation activities, may raise total spending on the project by \$60,000 – \$100,000 more than the \$1.1 million originally estimated in 2014 for implementing the LSN Library project.

Also during the month of February, the staff continued updating the collection of knowledge management reports. These reports will cover technical topics in preclosure and postclosure safety assessments, and climate and hydrology, as discussed in SECY-16-0122, “Status of Yucca Mountain Program Activities,” dated October 19, 2016 (available at <http://www.nrc.gov/docs/ML16201A110>).

Nuclear Waste Fund Expenditures

During the month of February 2017, the NRC expended \$22,021 of Nuclear Waste Fund (NWF) funds on its actions in direct response to the court’s decision. Also in February 2017, the NRC reclassified \$28,629 of prior year expenditures to a non-NWF contract for a net reduction in expenditures of \$6,608 for the month. Cumulative expenditures since the August 13, 2013, U.S. Court of Appeals decision are \$12,177,548. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,177,548, results in a remaining unexpended balance of \$1,371,767. Total unobligated NWF funds remaining as of February 28, 2017, are \$760,343. 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	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	\$5,933	\$1,113,969
Development of the EIS supplement	\$2,000,000	\$0	\$1,550,427
SER wrap-up activities	\$100,000	\$221	\$53,548
Knowledge management reports	\$700,000	\$13,379	\$24,580
Program planning and support	\$825,000	\$2,488	\$478,282
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			\$2,488
Adjustments to close out contracts funded by previous NWF appropriations**		(\$28,629)	(\$13,761)
Total	\$13,385,000	(\$6,608)	\$12,177,548

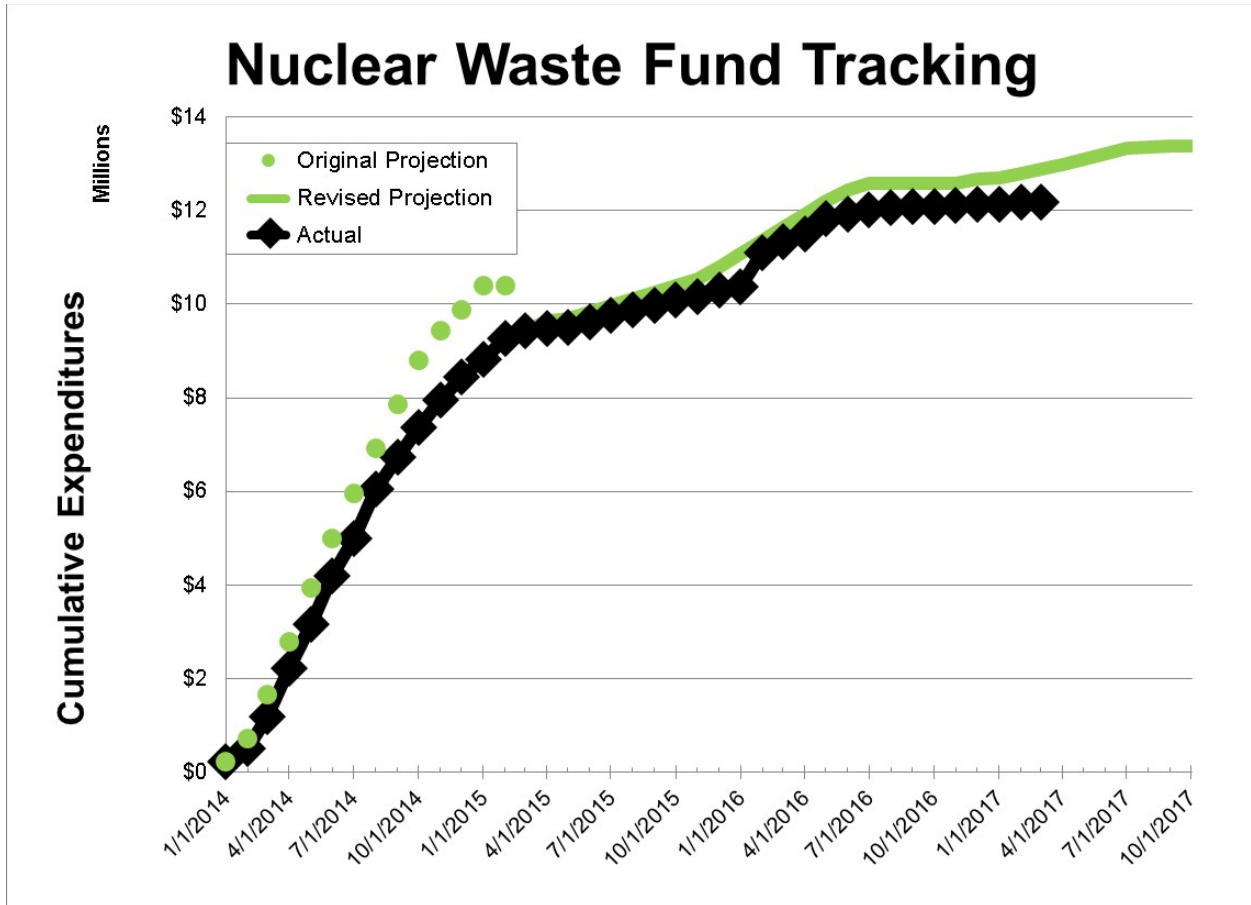
*Includes a \$59,000 expenditure in May 2014 for the agency’s agreement to settle the Equal Access to Justice Act claim of one of the *Aiken County* petitioners. On October 23, 2014, the Court of Appeals for the District of Columbia Circuit denied the motion from other parties requesting reimbursement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

**Recognition during February 2017 of the reclassification of \$28,629 of prior year expenditures from a NWF contract to a non-NWF contract.

The unexpended NWF balance of \$1,371,767 includes \$611,424 of unexpended obligations. These unexpended obligations are primarily on contracts with the Center for Nuclear Waste Regulatory Analyses and on contracts related to the loading of 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 February 28, 2017, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

No stakeholder communications or interactions occurred in February 2017.