

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

The LSN Public Library project was completed in March. With the completion of all document reconciliation and synchronization efforts, the agency now projects the spending should total just over \$1.14 million.

During the month of April, 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>).

Also during April, NRC attorneys continued litigation work associated with a petition for a writ of mandamus filed by the State of Texas pursuant to the Nuclear Waste Policy Act seeking to compel the NRC to complete the Yucca Mountain adjudicatory proceedings.

Enclosure

## Nuclear Waste Fund Expenditures

During the month of April 2017, the NRC expended \$106,249 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 \$12,348,885. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,348,885, results in a remaining unexpended balance of \$1,200,430. Total unobligated NWF funds remaining as of April 30, 2017, are \$723,833. Table 1 provides further details on the NRC's expenditure of NWF funds since August 13, 2013.

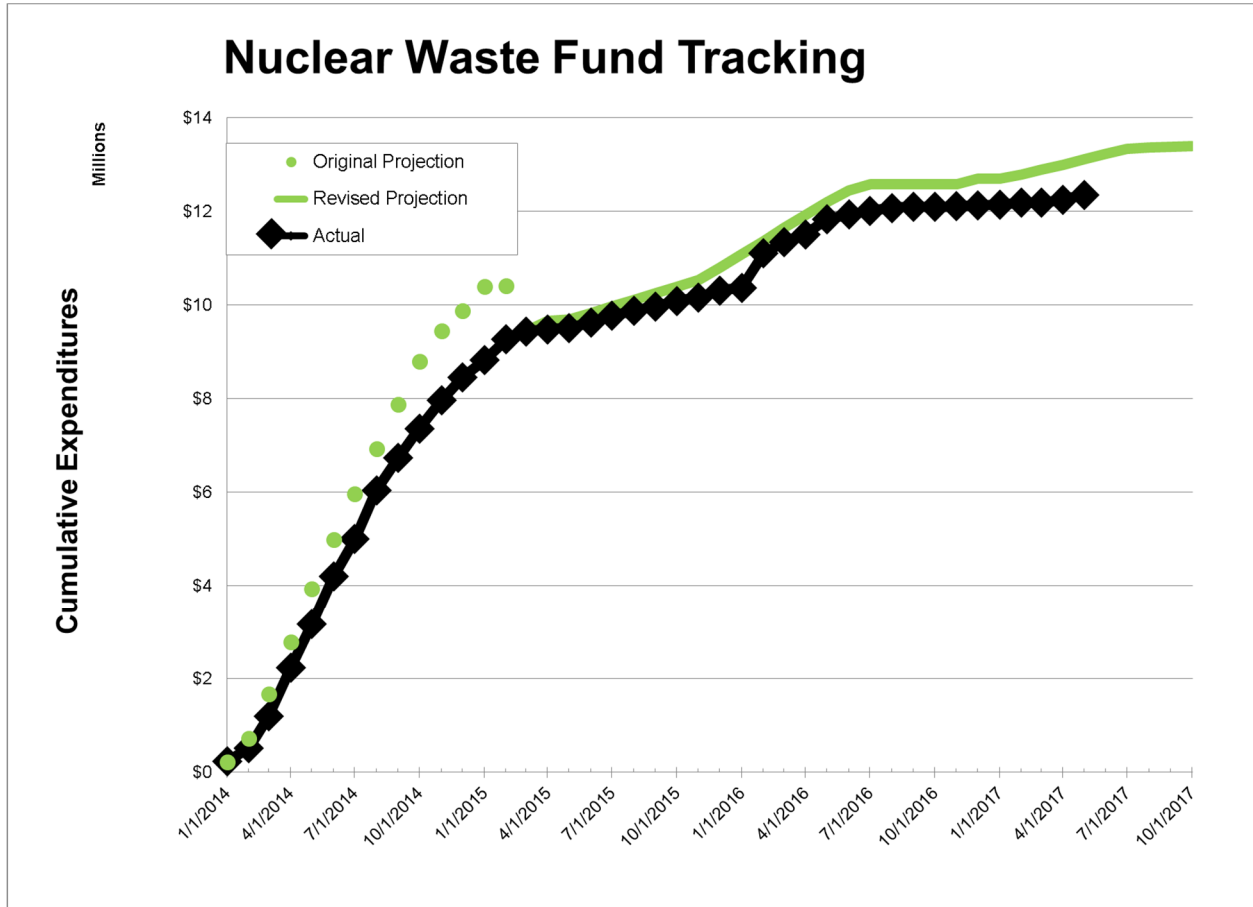
| <b>Yucca Mountain Licensing Activities</b>                                    | <b>Cost Estimate</b> | <b>April Expenditures</b> | <b>Cumulative Expenditures</b> |
|---|----------------------|---------------------------|--------------------------------|
| Completion of the SER   | \$8,310,000          | \$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          | \$24,773                  | \$1,141,550                    |
| Development of the EIS supplement   | \$2,000,000          | \$784                     | \$1,551,211                    |
| SER wrap-up activities  | \$100,000            | \$0                       | \$53,548                       |
| Knowledge management reports  | \$700,000            | \$53,518                  | \$123,326                      |
| Program planning and support  | \$825,000            | \$1,160                   | \$480,173                      |
| Response to the August 30, 2013, Commission order                             |                      | \$0                       | \$137,518                      |
| Federal court litigation*   |                      | \$26,014                  | \$197,238                      |
| Support and advice in NRC proceedings   |                      | \$0                       | \$35,535                       |
| Subtotal, other support costs chargeable to NWF funds                         |                      | \$27,174                  | \$850,464                      |
| Adjustments to close out contracts funded by previous NWF appropriations      |                      | \$0                       | (\$13,761)                     |
| <b>Total</b>  | <b>\$13,385,000</b>  | <b>\$106,249</b>          | <b>\$12,348,885</b>            |

\*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 \$1,200,430 includes \$476,597 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 April 30, 2017, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



### Stakeholder Communications and Interactions

No stakeholder communications or interactions occurred in April 2017.