

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for May 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. The agency now projects that the cost of this effort should total just over \$1.14 million. The April LSN-related expenditures of \$1,195 reflected in Table 1 of this report are contract costs that lag other costs due to contractor billing cycles and represent the remaining contract costs for the project.

During the month of May, 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 May, 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 May 2017, the NRC expended \$119,083 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 \$12,467,968. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,467,968, results in a remaining unexpended balance of \$1,081,347. Total unobligated NWF funds remaining as of May 31, 2017, are \$697,737. Table 1 provides further details on the NRC’s expenditure of NWF funds since August 13, 2013.

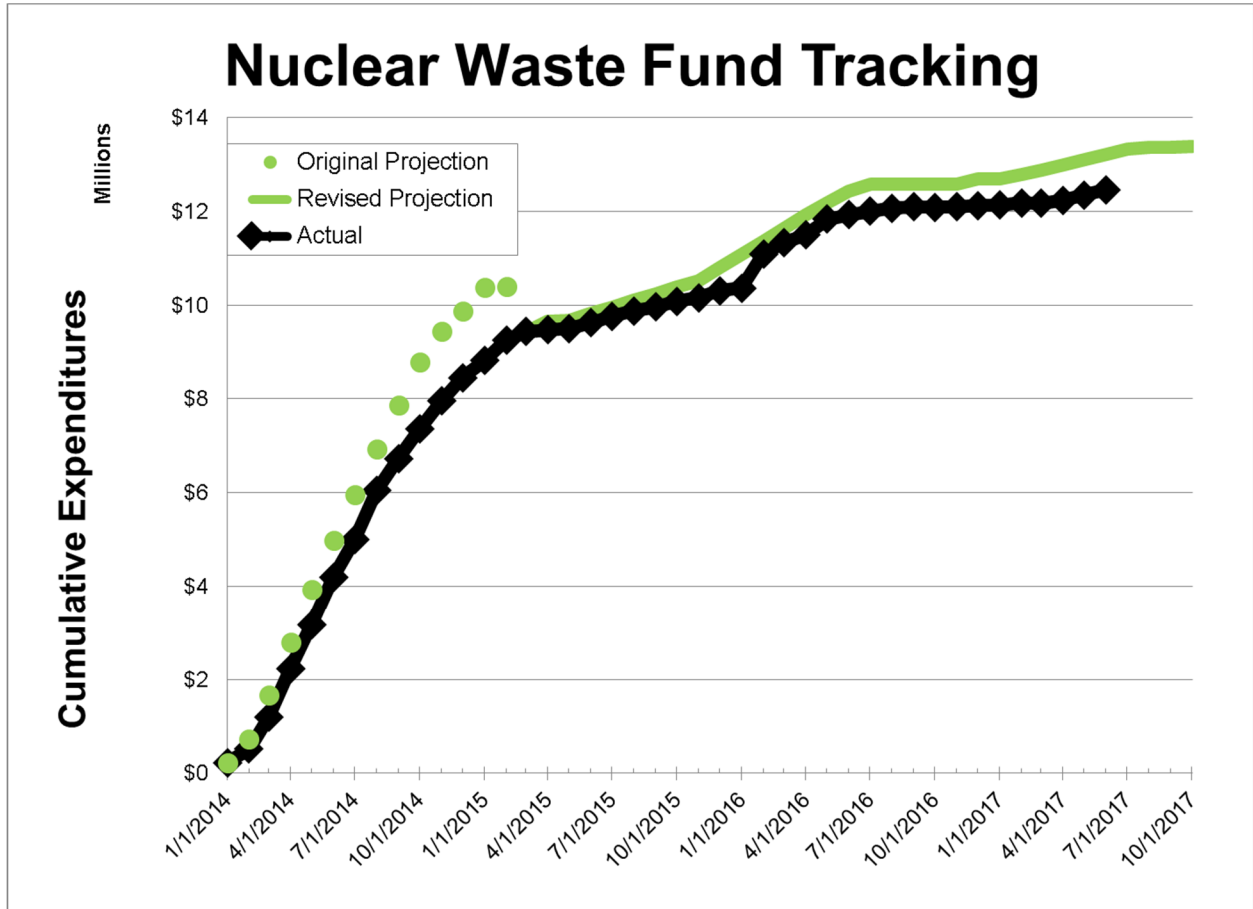
Table 1 Status of NRC NWF Funds since the August 13, 2013, Court Decision			
Yucca Mountain Licensing Activities	Cost Estimate	May Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$1,195	\$1,142,745
Development of the EIS supplement	\$2,000,000	\$0	\$1,551,211
SER wrap-up activities	\$100,000	\$0	\$53,548
Knowledge management reports	\$700,000	\$95,800	\$219,126
Program planning and support	\$825,000	\$460	\$480,633
Response to the August 30, 2013, Commission order		\$0	\$137,518
Federal court litigation*		\$21,628	\$218,866
Support and advice in NRC proceedings		\$0	\$35,535
Subtotal, other support costs chargeable to NWF funds		\$22,088	\$872,552
Adjustments to close out contracts funded by previous NWF appropriations		\$0	(\$13,761)
Total	\$13,385,000	\$119,083	\$12,467,968

*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 \$1,081,347 includes \$383,610 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 May 31, 2017, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

No stakeholder communications or interactions occurred in May 2017.