

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

On July 31, 2017, the Commission directed agency staff to hold a virtual meeting of the Licensing Support Network Advisory Review Panel (LSNARP) to provide information to, and gather input from, advisory panel members and the public regarding reconstitution of the LSN or a suitable replacement system. The Commission also approved gathering preliminary information regarding potential adjudicatory hearing venues. The Commission limited expenditures for these activities to \$110,000 from the Nuclear Waste Fund (NWF).

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

Accomplishments and Ongoing Work

During the month of August, agency staff began (1) planning for fall 2017 training for LSNARP members and other interested participants to become familiar with the functionality and operations of the recently-completed ADAMS LSN Library, (2) organizing an LSNARP virtual meeting, and (3) assessing the availability of potential hearing space at federal venues in Nevada and at NRC headquarters in Rockville, Maryland.

Enclosure

During the month of August, the NRC staff continued updating the collection of knowledge management reports. These reports will contain technical topics, including climate and hydrology, in preclosure and postclosure safety assessments. Also in August, in accordance with records management requirements, the NRC staff conducted additional document retention activities, including archiving information used in preparation of the NRC staff's Yucca Mountain licensing documents. The related costs are captured in the "Development of the EIS Supplement" row in Table 1.

Also during August, NRC attorneys performed limited litigation-related 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.

Nuclear Waste Fund Expenditures

During the month of August 2017, the NRC expended \$114,137 of 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 \$12,876,727. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,876,727, results in a remaining unexpended balance of \$672,588. Total unobligated NWF funds remaining as of August 31, 2017, are \$577,534. Table 1 provides further details on the NRC’s expenditure of NWF funds since August 13, 2013.

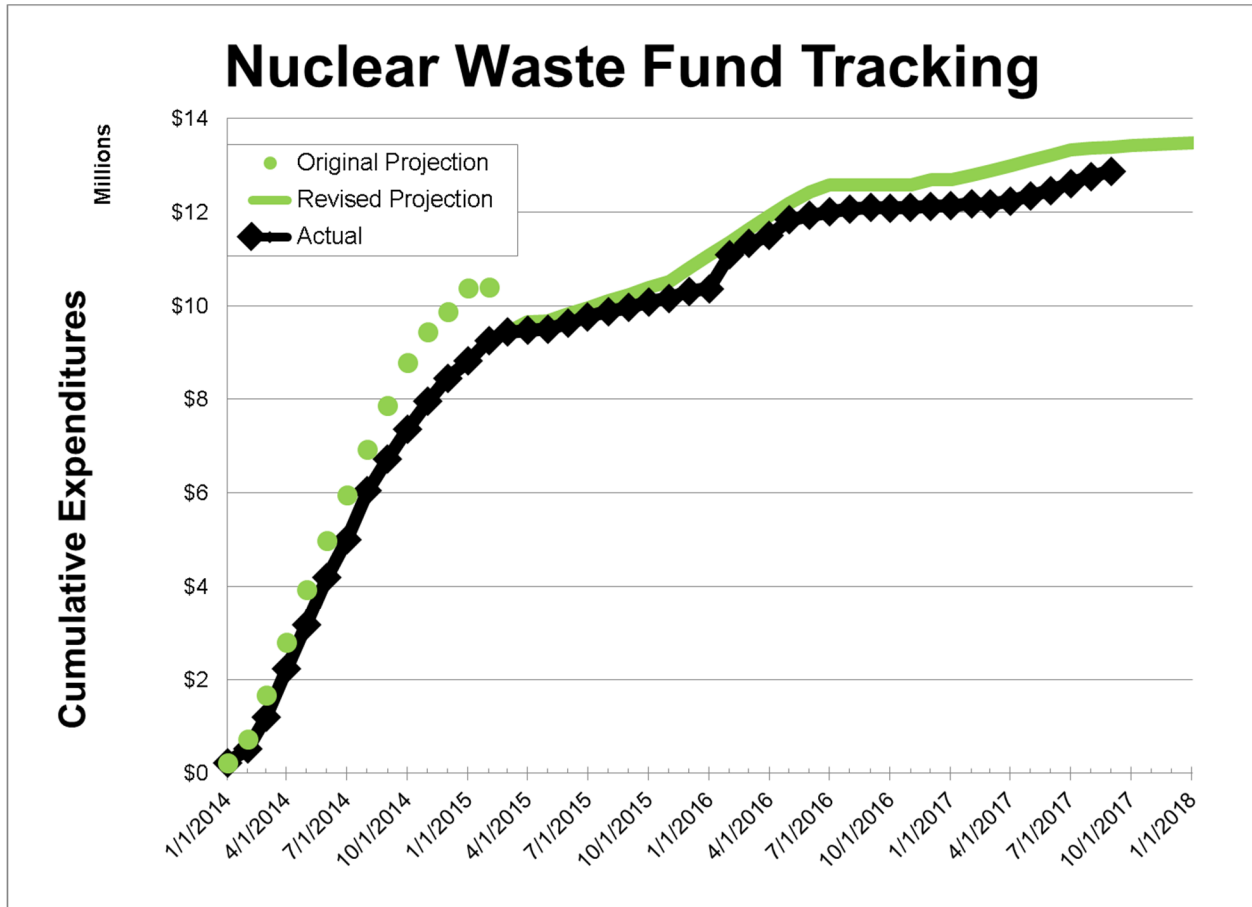
Table 1 Status of NRC NWF Funds since the August 13, 2013, Court Decision			
Yucca Mountain Licensing Activities	Cost Estimate	August Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$0	\$1,142,745
Development of the EIS supplement	\$2,000,000	\$95	\$1,554,256
SER wrap-up activities	\$100,000	\$0	\$53,548
Knowledge management reports	\$700,000	\$110,641	\$600,591
Program planning and support	\$825,000	\$1,655	\$483,696
Response to the August 30, 2013, Commission order		\$0	\$137,518
Federal court litigation*		\$1,593	\$239,899
Support and advice in NRC proceedings		\$0	\$35,535
Subtotal, other support costs chargeable to NWF funds		\$3,248	\$896,648
Virtual meeting of LSN Advisory Review Panel and information-gathering about potential adjudicatory hearing venues	\$110,000	\$153	\$153
Adjustments to close out contracts funded by previous NWF appropriations		\$0	(\$13,761)
Total	\$13,495,000	\$114,137	\$12,876,727

*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 \$672,588 includes \$95,054 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 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 August 31, 2017, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

In early August, the LSNARP Chairman contacted advisory panel members and prior meeting participants to obtain updated contact information that will be used to alert them to planned fall 2017 training to familiarize them with the functionality and operations of the recently-completed ADAMS LSN Library, and of a future LSNARP virtual meeting. This meeting will also be announced in the *Federal Register*.