

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for October 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 October, agency staff continued (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, with the first training session scheduled for November 8, 2017, (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.

During the month of September, the NRC staff completed the collection of knowledge management reports. Current charges in connection with knowledge management reports primarily represent trailing costs on the contract with the Center for Nuclear Waste Regulatory Analyses.

Nuclear Waste Fund Expenditures

During the month of October 2017, the NRC expended \$14,707 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 \$12,958,233. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$12,958,233, results in a remaining unexpended balance of \$591,082. Total unobligated NWF funds remaining as of October 31, 2017, are \$527,408. Table 1 provides further details on the NRC's expenditure of NWF funds since August 13, 2013.

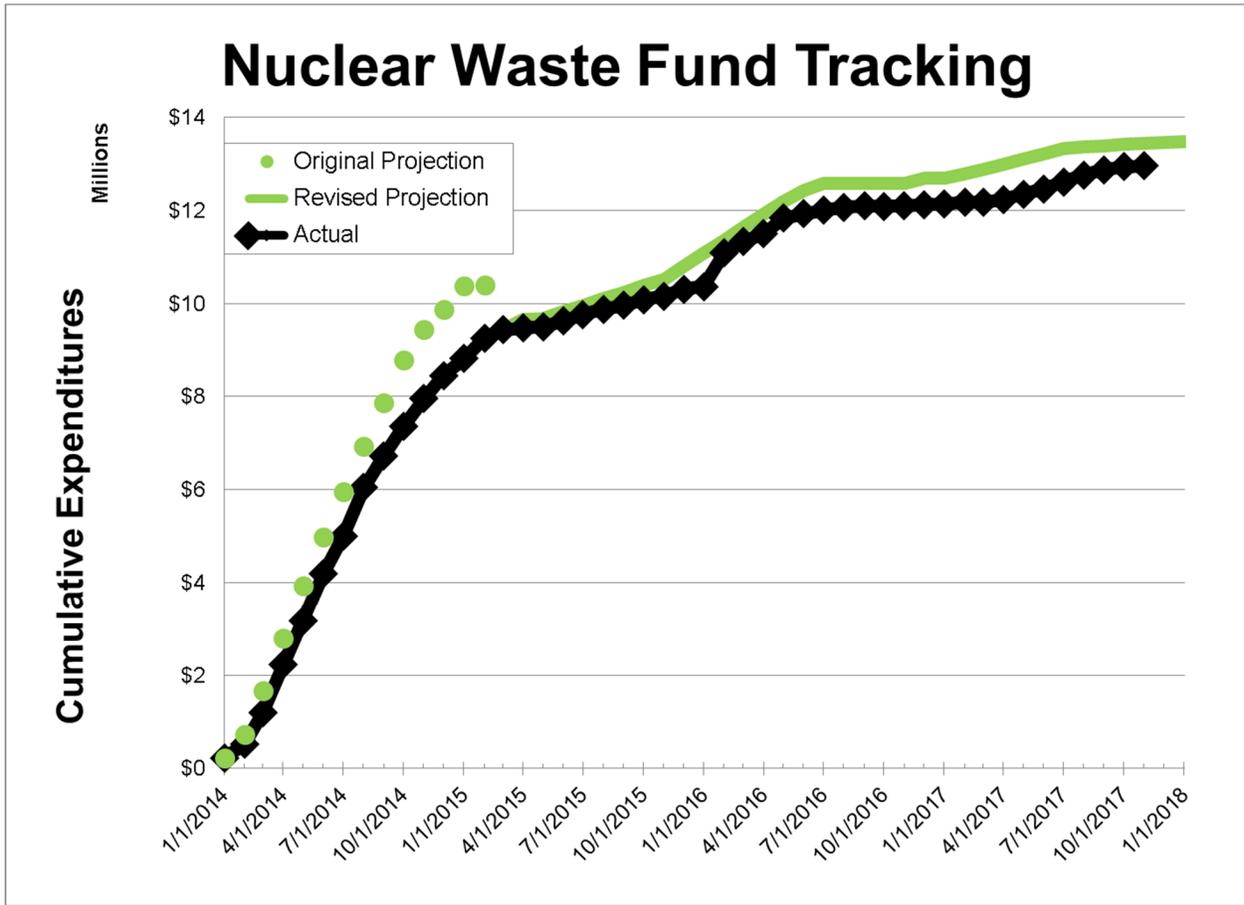
Yucca Mountain Licensing Activities	Cost Estimate	October Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$0	\$1,142,745
Development of the EIS supplement	\$2,000,000	\$227	\$1,579,256
SER wrap-up activities	\$100,000	\$0	\$53,548
Knowledge management reports	\$700,000	\$6,019	\$638,957
Program planning and support		\$1,937	\$485,992
Response to the August 30, 2013, Commission order		\$0	\$137,518
Federal court litigation*		\$0	\$240,043
Support and advice in NRC proceedings		\$0	\$35,535
Subtotal, other support costs chargeable to NWF funds	\$825,000	\$1,937	\$899,088
Virtual meeting of LSN Advisory Review Panel and information-gathering about potential adjudicatory hearing venues	\$110,000	\$6,524	\$15,853
Adjustments to close out contracts funded by previous NWF appropriations		\$0	(\$13,761)
Total	\$13,495,000	\$14,707	\$12,958,233

*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 \$591,082 includes \$63,674 of unexpended obligations. These unexpended obligations are primarily on contracts with the Center for Nuclear Waste Regulatory Analyses and on contracts related to the LSNARP virtual meeting.

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 October 31, 2017, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

At the end of October, the Acting LSN Administrator requested information from eight high-level waste (HLW) adjudication parties, including the U.S. Department of Energy, the NRC staff, and the State of Nevada, seeking information regarding possible future discovery and exhibit submissions. Based on the extent of their previous LSN document submissions or sponsorship of admitted contentions, these parties are most likely to make substantial use of the LSN (or a successor system) for additional discovery disclosures or as the source of evidentiary hearing exhibits if the adjudication is restarted. The information will be used to prepare options for reconstituting the LSN’s functionality and creating an enhanced exhibit submission and processing system. Information on these options will be provided to LSNARP members prior to, and discussed during, the planned LSNARP meeting.

Additionally, in late October, invitations to participate in a November 8, 2017, on-line Webinar training session on the LSN Library were sent to approximately 80 individuals previously identified as contacts for the 30 governmental entities or organizations that were LSNARP members or prior LSNARP meeting participants, or that are parties or otherwise participating in the HLW adjudication.