

**U.S. Nuclear Regulatory Commission Monthly Status Report
Activities Related to the Yucca Mountain Licensing Action
Report for February 2018**

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. Although the Commission initially limited expenditures for these activities to \$110,000 from the Nuclear Waste Fund (NWF), on November 21, 2017, the Commission approved a request for an additional \$25,000 to further support these activities, for a total expenditure of \$135,000.

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

Accomplishments and Ongoing Work

On February 27-28, 2018, agency staff held a virtual LSNARP meeting that had been noticed in the *Federal Register* (83 FR 1274) on January 10, 2018. The meeting was rescheduled from late January 2018 in response to requests from several LSNARP members to allow more time to evaluate an agency staff-prepared paper outlining options for potentially reconstituting or replacing the LSN. The NRC’s staff’s paper outlining options for potentially reconstituting or replacing the LSN were a principal focus of the February 2018 meeting. In addition to attending in person at NRC’s headquarters, representatives of LSNARP member organizations could participate using GoToMeeting and the general public could access the event via GoToWebinar. LSNARP members and members of the public were requested to provide any additional written

comments regarding the matters discussed at the meeting by March 23, 2018. After the comments are received, the NRC staff will determine the next steps for providing the Commission with information and options for reconstituting the LSN or developing a suitable replacement system should the Yucca Mountain licensing adjudication resume in the future.

Nuclear Waste Fund Expenditures

During the month of February 2018, the NRC expended \$6,044 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 \$13,002,589. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$13,002,589, results in a remaining unexpended balance of \$546,726. Total unobligated NWF funds remaining as of February 28, 2018, are \$483,496. Table 1 provides further details on the NRC's expenditure of NWF funds since August 13, 2013.

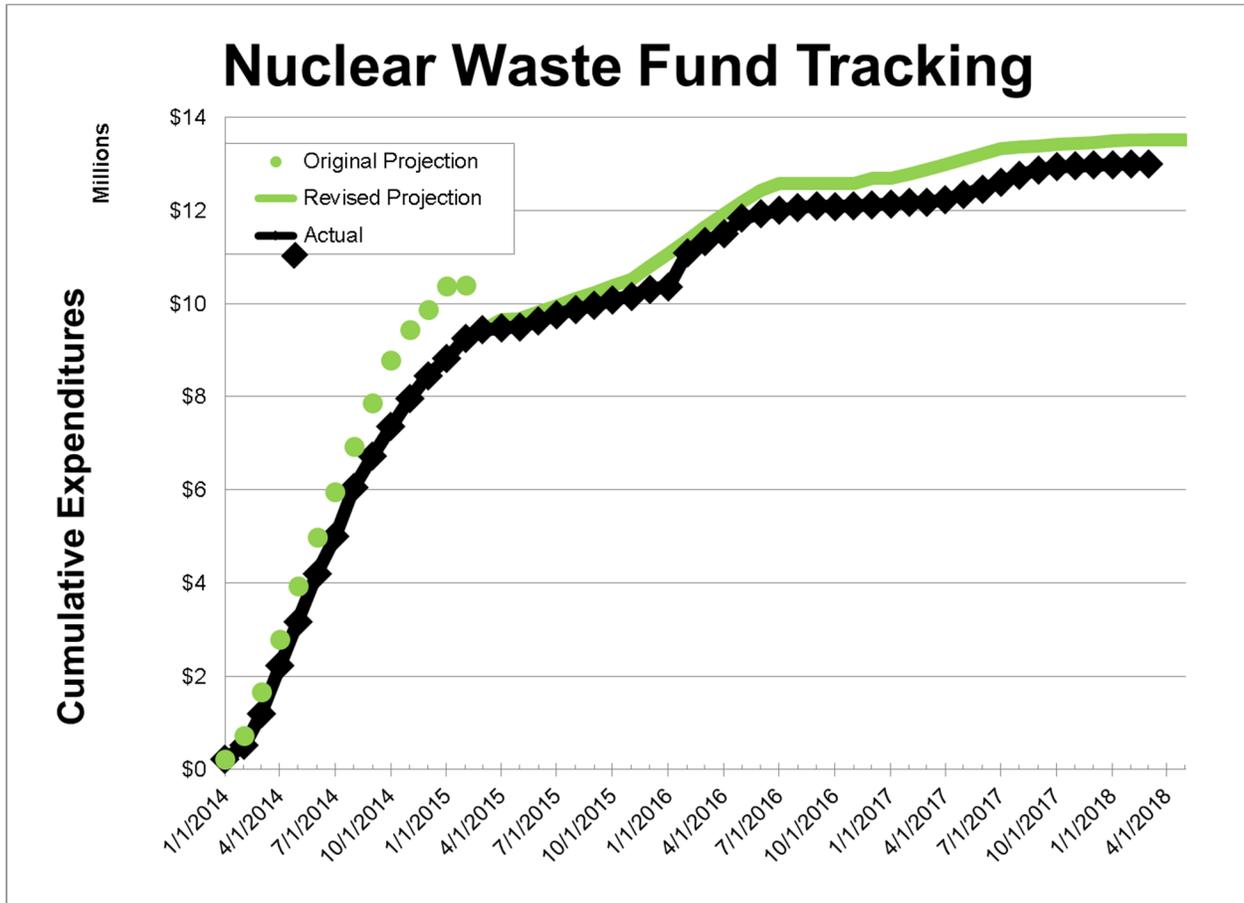
Table 1 Status of NRC NWF Funds since the August 13, 2013, Court Decision			
Yucca Mountain Licensing Activities	Cost Estimate	February Expenditures	Cumulative Expenditures
Completion of the SER	\$8,310,000	\$0	\$8,364,877
Loading of Licensing Support Network documents into a nonpublic ADAMS library	\$350,000	\$0	\$277,670
Loading of Licensing Support Network documents into a public ADAMS library	\$1,100,000	\$0	\$1,142,745
Development of the Environmental Impact Statement supplement	\$2,000,000	\$0	\$1,579,256
SER wrap-up activities	\$100,000	\$0	\$53,548
Knowledge management reports	\$700,000	\$0	\$638,957
Program planning and support		\$566	\$491,371
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	\$566	\$904,467
Virtual meeting of LSN Advisory Review Panel and information-gathering about potential adjudicatory hearing venues	\$135,000	\$5,478	\$54,830
Adjustments to close out contracts funded by previous NWF appropriations		\$0	(\$13,761)
Total	\$13,520,000	\$6,044	\$13,002,589

*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 \$546,726 includes \$63,230 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 February 28, 2018, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

On February 27-28, 2018, agency staff held a virtual LSNARP meeting. Attendees at the Rockville meeting site or online included representatives of 16 of the 20 LSNARP member entities as well as approximately 25 members of the public.