

**Monthly Status Report to Congress
Activities Related to the Yucca Mountain Licensing Action
Report for the Period August 13, 2013–September 30, 2013**

Background

The U.S. Nuclear Regulatory Commission (NRC) is an independent regulatory agency whose mission is to license and regulate the Nation's civilian use of radioactive materials, to protect public health and safety, to promote the common defense and security, and to protect the environment. Under the Nuclear Waste Policy Act, the U.S. Department of Energy (DOE) is responsible for developing and submitting to the NRC a license application for the construction of a geologic repository for high-level waste at Yucca Mountain, in Nye County, Nevada. The NRC is responsible for reviewing the application and determining whether to issue a construction authorization to the DOE. The DOE submitted its license application to the NRC on June 3, 2008, and the NRC accepted the application for review on September 8, 2008. The focus of the NRC's review is on whether the DOE has demonstrated that it can construct and operate a repository safely and in compliance with NRC regulations.

On March 3, 2010, the DOE filed a motion to withdraw its license application, which the Atomic Safety and Licensing Board denied on June 29, 2010. The Atomic Safety and Licensing Board suspended the adjudicatory proceeding on September 30, 2011.

On August 13, 2013, a panel of the U.S. Court of Appeals for the District of Columbia Circuit issued its decision directing the NRC to "promptly continue with the legally mandated licensing process" for the DOE's application to construct a geologic repository for high-level waste at Yucca Mountain. On September 10, 2013, Chairman Macfarlane testified before the House Environment and the Economy Subcommittee of the Energy and Commerce Committee that the NRC promptly began taking steps to comply with the court's direction following the issuance of the decision.

Activities Completed

On August 30, 2013, the Commission issued an Order inviting participants to the high-level waste repository adjudicatory proceeding to provide the Commission with their views on how the NRC should continue with the licensing process. The responses from the participants, including the NRC staff, were filed by September 30, 2013. The Commission also directed the NRC staff to gather pertinent cost estimate information during this same period. The costs to conduct these activities were not assessed against the Nuclear Waste Fund.

Activities Underway

After reviewing the input from the participants to the proceeding and informed by the cost and schedule estimates provided by the NRC staff, the Commission will deliberate and determine the various activities that might compose the agency's response to the court's decision, including activities related to:

- Completion of the Safety Evaluation Report;
- Completion of the supplement to the Yucca Mountain Environmental Impact Statement;

Enclosure

- Adjudication;
- Reconstituting the Licensing Support Network; and
- Potential restart of external litigation against the NRC.

The cost to conduct this next phase of the Commission's consideration of the response to the court's order will be charged to the Nuclear Waste Fund.

Nuclear Waste Fund Expenditures

During this period, the NRC spent \$51,507 of Nuclear Waste Funds on its actions in direct response to the court's decision. Total unobligated Nuclear Waste Funds remaining as of September 30, 2013, are \$11,004,517.

An additional \$2,493,290 of previously appropriated Nuclear Waste Funds remain unexpended but obligated on contracts with the NRC-sponsored Center for Nuclear Waste Regulatory Analyses (CNWRA). Closeout audits of CNWRA contracts were already underway when the court's decision was issued, but the timing of completion of these audits by the Defense Contract Audit Agency is uncertain. If the closeout audits are completed in a timely manner, these Nuclear Waste Funds could be made available for ongoing NRC activities in response to the court's decision. The total amount will be reduced, however, by the assessment of any final contract closeout costs. The NRC will continue to keep the Committee apprised of the status of any deobligation of these funds in future status reports.