

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

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. Both of these matters are subject to Commission decisions that have not been made. 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

Based on the input received from a February 2018 virtual LSNARP meeting and information collected regarding possible hearing venues, agency staff provided recommendations to the Commission regarding additional activities that might be undertaken. On August 29, 2018, the State of Nevada filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit challenging Commissioner Wright’s decision not to recuse himself from the Yucca Mountain licensing proceeding. Agency attorneys have provided legal support in connection with this petition.

Nuclear Waste Fund Expenditures

During the month of September 2018, the NRC expended \$12,564 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 \$13,088,648. The August 13, 2013, balance of \$13,549,315 of unexpended NWF funding, less the cumulative expenditures of \$13,088,648, results in a remaining unexpended balance of \$460,667. Total unobligated NWF funds remaining as of September 30, 2018, are \$430,746. Table 1 provides further details on the NRC's expenditure of NWF funds since August 13, 2013.

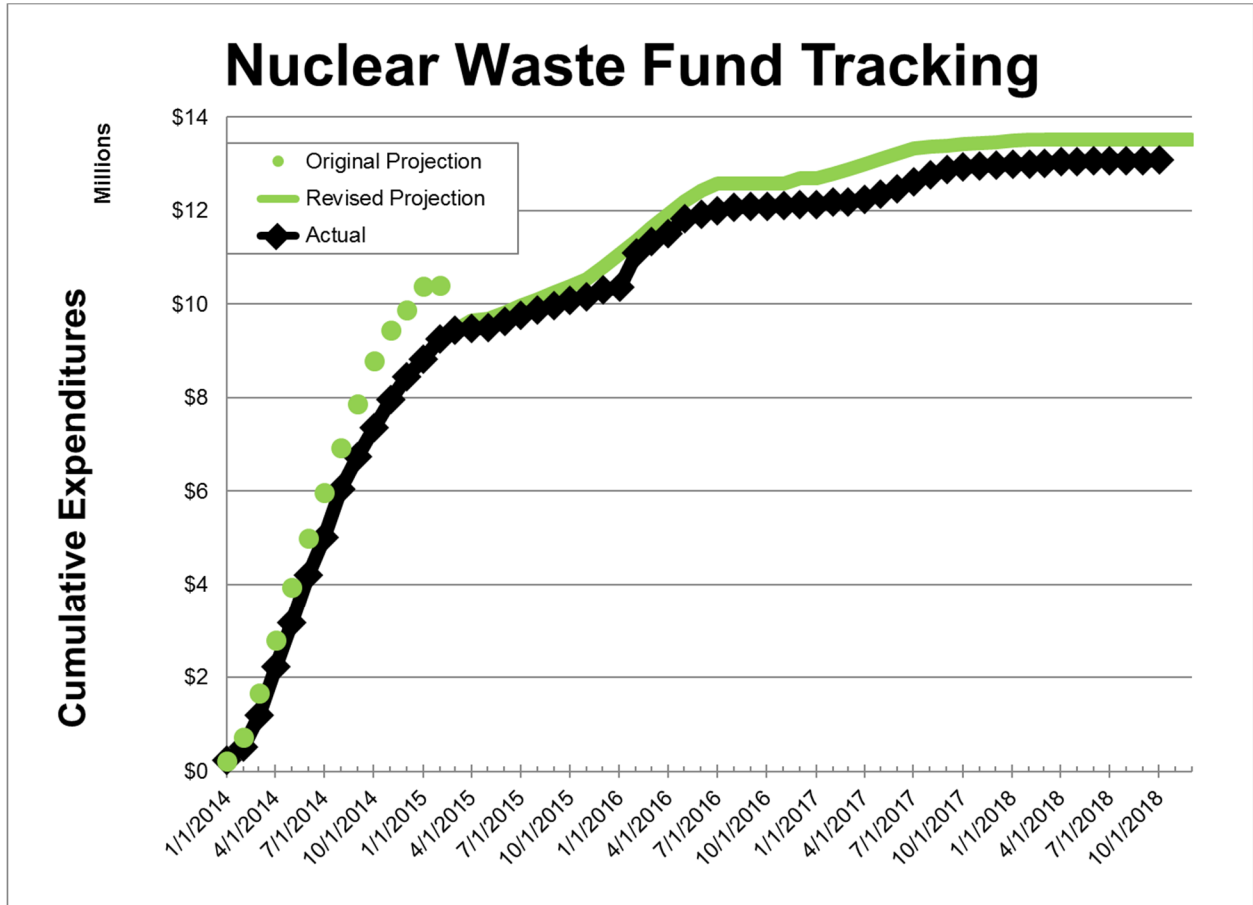
| Yucca Mountain Licensing Activities | Cost Estimate | September Expenditures | Cumulative Expenditures |
|---|----------------------|-------------------------------|--------------------------------|
| Completion of the SER | \$8,310,000 | \$0 | \$8,364,877 |
| Loading of Licensing Support Network documents 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 | \$657,142 |
| Program planning and support | | \$919 | \$496,335 |
| Response to the August 30, 2013, Commission order | | \$0 | \$137,518 |
| Federal court litigation* | | \$11,645 | \$253,183 |
| Support and advice in NRC proceedings | | \$0 | \$37,089 |
| Subtotal, other support costs chargeable to NWF funds | | \$825,000 | \$12,564 |
| Virtual meeting of LSNARP and information-gathering about potential adjudicatory hearing venues | \$135,000 | \$0 | \$103,046 |
| Adjustments to close out contracts funded by previous NWF appropriations | | \$0 | (\$13,761) |
| Total | \$13,520,000 | \$12,564 | \$13,088,648 |

*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 \$460,667 includes \$29,921 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 September 30, 2018, as given in Table 1.

Figure 1. Nuclear Waste Fund Tracking



Stakeholder Communications and Interactions

There is nothing to report in this section for September 2018.