

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: COMSECY-18-0015: Yucca Mountain Project Activities
Associated with COMSECY-17-0019

Approved XX In Part Disapproved XX In Part Abstain

Not Participating

Comments: Below XX Attached None

The working group jointly led by the ASLBP and SECY has done a thorough job in implementing the Commission's direction arising from COMSECY-17-0019 and I find the paper before us very informative. I approve the staff's recommendation to defer further action regarding potential hearing venues until there is greater clarity regarding the timing of the need for this capacity. The staff bases this recommendation on the fact that the next steps in pursuit of a facility would be costly, with only a "limited shelf life" for the value of the information produced. I also disapprove the proposed expenditure of remaining Nuclear Waste Fund (NWF) monies to improve the Licensing Support Network (LSN) Library user interface, in light of the potential "limited shelf life" of the specific technology investment we would make today to improve the interface of the LSN. As the staff notes, the agency is involved in ongoing litigation, the costs of which are drawn from the agency's limited remaining NWF resources. The potential also exists for future litigation. In light of this uncertainty and the question of whether improvements made now to the LSN interface would require further modification in the future, our fiduciary duty can reasonably be cabined to preserving the remaining funds for litigation support. Clearly, however, the LSN Advisory Review Panel virtual meeting provided valuable feedback and insights from the parties to the adjudication and other participants/users of the LSN. These insights will undoubtedly be useful going forward, should Congress provide funding to resume the proceeding, and should be carefully preserved for that eventuality.



SIGNATURE

10 / 11 / 18

DATE

Entered on "STARS" Yes No

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
SUBJECT: COMSECY-18-0015: Yucca Mountain Project Activities
Associated with COMSECY-17-0019

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

In this paper, the Chief Administrative Judge and Secretary recommend that the Commission (1) authorize the expenditure of \$212,000 of previously appropriated Nuclear Waste Fund monies to improve the Licensing Support Network (LSN) Library user interface and (2) defer additional work on identifying Nevada hearing venues at this time. I approve both recommendations.

As the paper explains, the proposed upgrades to the LSN Library would "benefit current LSN Library users and provide the Commission with information on user experience with the system's improved features without predisposing the Commission to any final decision on an LSN replacement." Several of the proposed upgrades are features that are already available in the public ADAMS system but not the LSN Library. Moreover, proceeding with these upgrades would not preclude the subsequent formation of a LSNARP Technical Working Group to assess other LSN replacement options, should Congress decide to appropriate funds for the licensing proceeding.

The paper also explains that the next step in the process of finding a hearing facility in Nevada "would be for GSA to initiate a survey to identify suitable commercial space" in Las Vegas, Reno, and Pahrump. I agree with the Chief Administrative Judge and Secretary that "the changeable nature of the commercial real estate market dictates that such a survey is time-sensitive and should be performed close to the time the space would be procured."

Entered in "STARS"

Yes
No



SIGNATURE

3/23/18

DATE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Burns
SUBJECT: COMSECY-18-0015: Yucca Mountain Project Activities
Associated with COMSECY-17-0019

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

I approve the NRC staff's recommendations presented in the paper (1) to defer further action on assessing hearing venues in Nevada until there is greater certainty about the timing of the need for such facility and (2) to expend up to \$212,000 to improve the LSN Library user interface as described in Enclosure C to COMSECY-17-0019.

Entered in STARS

Yes
No



Signature
19 September 2018

Date

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Caputo

SUBJECT: COMSECY-18-0015: Yucca Mountain Project Activities
Associated with COMSECY-17-0019

Approved Disapproved Abstain Not Participating

Comments: Below Attached None

Entered in STARS

Yes

No



SIGNATURE

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**Commissioner Caputo's Comments on COMSECY-18-0015:
Yucca Mountain Project Activities Associated with COMSECY-17-0019**

I commend the Chief Administrative Judge and Secretary for presenting the Commission with a thoroughly developed and viable path forward in updating the Licensing Support Network (LSN) and for providing the next steps in the process for evaluating potential future hearing facilities. However, given the uncertainty of when funds would be available to reinstitute the Yucca Mountain construction authorization proceeding, I am hesitant to approve any further expenditures of Nuclear Waste Fund (NWF) monies.

Approval of the request for funding the recommended LSN Library upgrades would result in the balance of unassigned NWF carryover dropping to \$203,000. In my opinion, this does not provide an adequate cushion for future anticipated or unanticipated High Level Waste activities. For example, while no further work is required on existing litigation, the Chief Administrative Judge and Secretary note that "other litigation expenses are either possible or anticipated, including defense of a challenge the Environmental Protection Agency standards incorporated into 10 C.F.R. Part 63." I am concerned that the remaining balance of NWF funds will be insufficient to meet such expenses. Additionally, given the uncertainty of when future Yucca Mountain appropriations would be made available, it is possible that the recommended LSN upgrades would be obsolete by the time the Yucca Mountain construction authorization proceeding is reinstated. I believe it would be better to engage in these upgrades at the time when funding for the Yucca Mountain construction authorization proceeding becomes more definite. For these reasons, I disapprove the recommendation to use approximately \$212,000 of remaining NWF monies to proceed with LSN Library upgrades.

For similar reasons, and given the limited "shelf-life" of information regarding available commercial retail space, I approve the recommendation that further action on possible hearing facilities be deferred until there is greater certainty about the timing of the need for such facilities.

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Wright
SUBJECT: COMSECY-18-0015: Yucca Mountain Project Activities
Associated with COMSECY-17-0019

Approved X Disapproved X Abstain ___ Not Participating ___

Comments: Below X Attached ___ None ___

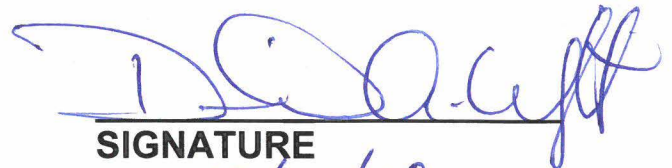
I appreciate the staff's implementation of the Commission's direction in the staff requirements memorandum associated with COMSECY-17-0019. I approve the staff's recommendation that the Commission defer further action regarding a Nevada hearing facility until there is greater certainty about the timing of the need for such a facility.

At this time, however, I disapprove the staff's recommendation that the Commission authorize the expenditure of \$212,000 of the remaining Nuclear Waste Fund (NWF) monies to enhance the Licensing Support Network Library user interface. In my view, this direction is consistent with the Court of Appeals for the District of Columbia Circuit's decision in *In re Aiken County*, because the staff continues to expend funds from the NWF, as mandated by the court. Given the limited amount of funds remaining, I believe it is prudent to continue to expend NWF monies in a manner consistent with the staff's recent expenditures, as reflected in monthly agency correspondence to Congress.

I believe that this course of action will further the staff's goal of "preserv[ing] flexibility in making decisions in support of utilizing any future appropriated funds for the [high-level waste] program."

Entered in STARS

Yes ✓
No _____



SIGNATURE

DATE

10/11/18