

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland  
November 18, 2013

The Commission met in open session, pursuant to notice, at 11:25 a.m.,  
Allison M. Macfarlane, Chairman, presiding.

COMMISSIONERS PRESENT:

ALLISON M. MACFARLANE, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

TRIP ROTHSCCHILD, Associate General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on November 18, 2013 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[11:25 a.m.]

## P R O C E E D I N G S

CHAIRMAN MACFARLANE: Okay Annette.

ANNETTE VIETTI-COOK: We have a Memorandum and Order concerning Resumption of Yucca Mountain Licensing Process. The Commission is being asked to act on a Memorandum and Order providing recommendations for the resumption of the Yucca Mountain licensing process in accordance with the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *In re Aiken County*.

The Commission has voted to approve a Memorandum and Order, which sets a course of action for the licensing process, consistent with the court's decision and the resources available. The Order directs the NRC staff to complete and issue the Safety Evaluation Report associated with the construction authorization application and requests that the Department of Energy prepare the supplemental environmental impact statement that the Staff has determined is needed for purposes of the review of this application under the National Environmental Policy Act. The Order continues to hold this adjudication in abeyance. The Order declines to direct the NRC staff to reconstitute the Licensing Support Network, but does direct that all documents be loaded into the non-public Agencywide Documents Access and Management System promptly and acknowledges that the documents used as references in the Safety Evaluation Report and the Environmental Impact Statement will be made publicly available. Finally, the Order grants in part and denies in part requests for relief filed by the Nye County and the State of Nevada, and declines to decide at this time the Timbisha Shoshone Tribal Council's renewed motion for recognition. Commissioner Apostolakis did not participate in this matter. Would you please affirm your votes.

CHAIRMAN MACFARLANE: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANNETTE VIETTI-COOK: That's all I have.

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session  
(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: November 18, 2013

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: Bridin Tully

Reporter: (TAPE RECORDING)