

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
February 12, 2014

The Commission met in open session, pursuant to notice, at 3:00 p.m.,
Allison M. Macfarlane, Chairman, presiding.

COMMISSIONERS PRESENT:

ALLISON M. MACFARLANE, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

GEORGE APOSTOLAKIS, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

MARGARET DOANE, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

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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.

[3:00 p.m.]

P R O C E E D I N G S

CHAIRMAN MACFARLANE: Ok. I think we're ready.

ANNETTE VIETTI-COOK: We have two items for Affirmation. The first one is on Crow Butte Resources, Inc. Marsland Expansion Area. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the NRC Staff and the applicant, Crow Butte Resources, Inc., of the Atomic Safety and Licensing Board's decision in LBP-13-6 to grant the hearing request of the Oglala Sioux Tribe on Crow Butte's application to expand its *in situ* uranium recovery operation in Dawes County, Nebraska.

The Commission, with Commissioner Svinicki dissenting in part, has voted to approve a Memorandum and Order which affirms the Board's decision that the Tribe demonstrated standing, as well as its decision to admit Contentions 1 and 2. Would you please affirm your votes?

CHAIRMAN MACFARLANE: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER MAGWOOD: Aye.

ANNETTE VIETTI-COOK: The second item is on Tennessee Valley Authority Sequoyah Nuclear Plant, Units 1 and 2. The Commission is being asked to act on a Memorandum and Order responding to appeals of the LPB-13-8 by the Tennessee Valley Authority and the Blue Ridge Environmental Defense League. The Commission has voted to approve a Memorandum and Order which dismisses without prejudice the appeals of both parties as premature. The Order also includes guidance informing the litigants that the Commission intends to hold waste

confidence contentions in abeyance until the issuance of a Final Waste Confidence Rule and Generic Environmental Impact Statement. Would you please affirm your votes?

CHAIRMAN MACFARLANE: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER MAGWOOD: Aye.

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

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: February 12, 2014

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: Darlene K. Wright

Reporter: (TAPE RECORDING)