

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 09, 2015

The Commission met in open session, pursuant to notice, at 2:45 PM., Stephen G. Burns, Chairman, presiding.

COMMISSIONERS PRESENT:

STEPHEN G. BURNS, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

JEFF BARAN, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

MARGARET DOANE, 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 09, 2015, 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.

[2:45 p.m.]

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

CHAIRMAN BURNS: Call the meeting to order this is an affirmation session. This is probably the most well-attended one I've seen in quite some time – that's been a sole affirmation meeting, but I think we have several matters to come before us. I will ask you, Madam Secretary to lead us through, Thank you.

ANNETTE VIETTI-COOK: The first item is SECY-15-0099 – *Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant). The Commission is being asked to act on a Memorandum and Order responding to Friends of the Earth's appeal of the Atomic Safety and Licensing Board's decision in LBP-15-6 to deny its intervention petition and related waiver request in the *Diablo Canyon* license renewal proceeding. The Commission has voted to approve a Memorandum and Order that affirms the Board's decision. Would you please affirm your votes?

CHAIRMAN BURNS: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye.

ANNETTE VIETTI-COOK: The second item is on SECY-15-0102 *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant). The Commission is being asked to act on a Memorandum and Order responding to the appeal of Beyond Nuclear, Don't Waste Michigan, Michigan Safe Energy Future—Shoreline Chapter, and the Nuclear Energy Information Service of the Atomic Safety and Licensing Board's decision in Licensing Board Panel 15-17 to deny their petition to intervene and request for hearing.

The Commission has voted to approve a Memorandum and Order that affirms the Board's decision. Would you please affirm your votes?

CHAIRMAN BURNS: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye.

ANNETTE VIETTI-COOK: The third item is SECY-15-0115 – *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant). The Commission is being asked to act on a Memorandum and Order responding to Entergy's appeal of the Atomic Safety and Licensing Board's decision in Licensing Board Panel 15-20. The Board's decision granted the hearing request of Beyond Nuclear, Don't Waste Michigan, Michigan Safe Energy Future—Shoreline Chapter, and the Nuclear Energy Information Service with respect to Entergy's application for agency approval of its "equivalent margins analysis" for the Palisades reactor pressure vessel. The Commission has voted to approve a Memorandum and Order that reverses the Board's decision and directs the Licensing Board to terminate this proceeding. Would you please affirm your votes?

CHARIMAN BURNS: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye

ANNETTE VIETTI-COOK: The last item is SECY-15-0131 Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Station Units 2 and 3). The Commission is being asked to act on a Memorandum and Order responding to the State of New York's petition for interlocutory review of the Licensing Board's decision denying its motion to withdraw the proprietary designation of five documents that have been offered as evidence in this proceeding. The

Commission has voted to approve a Memorandum and Order that denies the State's petition, without prejudice to its ability to renew its appeal following a partial or final initial decision in this proceeding. Chairman Burns did not participate in this matter. Would Commissioner Svinicki, Commissioner Ostendorff, and Commissioner Baran please affirm your votes?

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye.

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

CHAIRMAN BURNS: We are adjourned.

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 09, 2015

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.

***/RA/***

Transcriber: Patricia J. Jimenez

Reporter: (TAPE RECORDING)