

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 20852  
June 2, 2016

The Commission met in open session, pursuant to notice, at 8:55 AM., Stephen G. Burns, Chairman of the Commission, 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 June 2, 2016, 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.

[8:55 a.m.]

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

CHAIRMAN BURNS: Good Morning. Before we start the second meeting, we have an Affirmation session. I will ask the Secretary to lead us through the items.

ANNETTE VIETTI-COOK: We have four items for affirmation. The first item is on SECY-16-0031 – *Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.* (Vermont Yankee Nuclear Power Station). The Commission is being asked to act on a Memorandum and Order addressing the NRC Staff's motion to vacate as moot the Board's decision in LBP-15-24, which granted the State of Vermont's request for a hearing. The Commission (with Commissioner Baran dissenting) has voted to approve a Memorandum and Order that grants the Staff's motion. Would you please affirm your votes?

CHAIRMAN BURNS: Aye

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye.

ANNETTE VIETTI-COOK: The second item SECY-16-0037 Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2). The Commission is being asked to act on a Memorandum and Order addressing the appeal of Atomic Safety and Licensing Board Order LBP-15-27 by Friends of the Earth. 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 SECY-16-0038 Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3). The Commission is being asked to act on a Memorandum and Order reversing Atomic Safety and Licensing Board Order LBP-11-17, which granted summary disposition of Contention NYS-35/36 in favor of New York. The Commission has voted to approve a memorandum and order that reverses the Board's decision, finds that summary disposition was appropriate in favor of Entergy and the NRC Staff, and dismisses Contention NYS-35/36. Additionally, the Commission directs the NRC license renewal Staff to refer the pending potentially cost-beneficial Severe Accident Mitigation Alternatives to the appropriate Office of Nuclear Reactor Regulation staff for review and disposition, as appropriate, separate from this license renewal proceeding and directs the Board to dismiss Contention NYS-40. 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: The fourth item SECY-16-0045 Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2). The Commission is being asked to act on a Memorandum and Order addressing San Luis Obispo Mothers for Peace's petitions for review of two Atomic Safety and Licensing Board decisions: LBP-15-29, in which the Board granted summary disposition of Contention EC-1, dismissed a proposed contention, and terminated the proceeding; and an August 2015 decision in which the Board dismissed two proposed contentions.

The Commission has voted to approve a Memorandum and Order that denies the petitions for review. Would you please affirm your votes?

CHAIRMAN BURNS: Aye

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

COMMISSIONER BARAN: Aye.

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

CHAIRMAN BURNS: Ok, 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: June 2, 2016

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: Patty Jimenez /RA/

Reporter: (TAPE RECORDING)