

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  
December 22, 2011

The Commission met in open session, pursuant to notice, at 10:25 a.m.,  
Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

GEORGE APOSTOLAKIS, 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:

STEPHEN G. BURNS, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 22, 2011 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.

[10:25 a.m.]

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

CHAIRMAN JACZKO: We have three items for affirmation.

MS. VIETTI-COOK: The first item is SECY-11-0144, Entergy Nuclear Operations Indian Point Nuclear Generating Units 2 and 3. The Commission is being asked to act on a Memorandum and Order responding to a petition for review of LBP-11-17 by Entergy Nuclear Operations, Inc. The Commission has voted to approve a Memorandum and Order, which denies the petition for review without prejudice and addresses related procedural motions. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioner Svinicki, Commissioner Magwood and Commissioner Ostendorff please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The second item is the Final Rule on AP1000 Design Certification Amendment. The Commission is being asked to act on a final rule amending Title 10 of the *Code of Federal Regulations* (10 CFR), Part 52, Appendix D, "Design Certification Rule for the AP1000 Design." The amendment replaces certain combined license information items and design acceptance criteria (DAC) with specific design information, addresses the effects of the impact of a large commercial aircraft, incorporates design improvements, and increases standardization of the design. The Commission has voted to approve the publication and implementation of this final rule, subject to the changes noted in the attachments. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The last item is the U.S. Department of Energy High Level Waste Repository. The Commission is being asked to act on a Memorandum and Order responding to a petition for review by the Timbisha Shoshone Tribal Council of the Construction Authorization Board's decision dismissing the Tribal Council's motion to be recognized as the authorized representative of the Timbisha Shoshone Tribe in this case. The Commission has voted to approve a Memorandum and Order, which declines to decide the Tribal Council's petition in this suspended proceeding, and provides that the Tribal Council may seek to reinstate its petition should the proceeding be reactivated at a future time. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioner Svinicki, Commissioner Magwood and Commissioner Ostendorff please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

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

CHAIRMAN JACZKO: 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: December 22, 2011

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)