

UNITED STATES  
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  
April 23, 2020

The Commission met via teleconference, pursuant to notice, at 11:00 AM.,  
Kristine L. Svinicki, Chairman, presiding.

COMMISSIONERS PRESENT:

JEFF M. BARAN, Member of the Commission

ANNIE CAPUTO, Member of the Commission

DAVID A. WRIGHT, Member of the Commission

ALSO PRESENT:

MARIAN ZOBLER, 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 April 23, 2020, conducted via teleconference. The teleconference was open to the public. 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.

[11:00 a.m.]

P R O C E E D I N G S

CHAIRMAN SVINICKI: Thank you very much operator. Good morning everyone, I am Kristine Svinicki, Chairman of the Nuclear Regulatory Commission, and I am presiding over this public affirmation session, which is being conducted via teleconference.

Joining me in this teleconference are the other currently serving members of the Commission. May I have each Commissioner affirm their presence when I call their name:

Commissioner Baran: Good morning. I'm here.

Commissioner Caputo: Here.

Commissioner Wright: Good morning. I'm here as well.

Also participating are:

ANNETTE VIETTI-COOK, Secretary of the Commission: Yes, I'm here.

and

MARIAN ZOBLER, General Counsel: I'm here Chairman.

This meeting is open to the public to listen in.

Madam Secretary, I believe we have four items for affirmation. Would you please lead the Commission through the affirmation items?

ANNETTE VIETTI-COOK: Yes. The first item is SECY-19-0098/19-0098A this is on Florida Power & Light Company (Turkey Point Nuclear Generating Units 3 and 4). The Commission is being asked to act on a Memorandum and Order addressing the Atomic Safety

and Licensing Board's referred ruling in the subsequent license renewal proceeding interpreting the scope of 10 CFR. § 51.53(c)(3) and the applicant's appeal of Licensing Board Panel-19-3, which ruled on intervention petitions.

The Commission, with Commissioner Baran dissenting, has voted to approve a Memorandum and Order that accepts the referral, upholds the ruling, and holds that subsequent license renewal applicants and the NRC staff may rely on the Generic Environmental Impact Statement for License Renewal of Nuclear Plants and 10 CFR Part 51, Subpart A, Appendix B, Table B-1 to evaluate environmental impacts of Category 1 issues.

Would you please affirm your votes after I call your name?

CHAIRMAN SVINICKI: Aye.

COMMISSIONER BARAN: Aye.

COMMISSIONER CAPUTO: Aye.

COMMISSIONER WRIGHT: Aye.

ANNETTE VIETTI-COOK: The second item is SECY-19-0109, Direct Final Rule on Social Security Number Fraud Prevention. The Commission is being asked to act on a direct final rule and companion proposed rule amending the U.S. Nuclear Regulatory Commission's regulations to implement the Social Security Number Fraud Prevention Act of 2017 (Public Law 115-59).

The Commission has voted to approve the publication and implementation of this direct final rule, and the companion proposed rule, subject to the changes noted in the attachments.

Which will be included in the SRM for this meeting.

Would you please affirm your votes after I call your name?

CHAIRMAN SVINICKI: Aye.

COMMISSIONER BARAN: Aye.

COMMISSIONER CAPUTO: Aye.

COMMISSIONER WRIGHT: Aye.

ANNETTE VIETTI-COOK: The third item is SECY-19-116, Holtec International (Hi-Store Consolidated Interim Storage Facility). The Commission is being asked to act on a Memorandum and Order addressing five separate appeals of the Atomic Safety and Licensing Board's denial of requests to intervene in the proceeding regarding Holtec International's application to construct and operate a consolidated interim storage facility in Lea County, New Mexico.

The Commission, with Chairman Svinicki dissenting in part, has voted to approve a Memorandum and Order affirming in part and reversing and remanding in part the Board's ruling denying the petitions. The Memorandum and Order also remands to the Board Fasken's new proposed contention and Sierra Club's Contention 30 for determination of their admissibility.

Would you please affirm your votes after I call your name?

CHAIRMAN SVINICKI: Aye.

COMMISSIONER BARAN: Aye.

COMMISSIONER CAPUTO: Aye.

COMMISSIONER WRIGHT: Aye.

ANNETTE VIETTI-COOK: The fourth item is on SECY-19-0122 FirstEnergy Nuclear Operating Company and FirstEnergy Nuclear Generation, LLC on Beaver Valley Power Station, Units 1 and 2; Davis-Besse Nuclear Power Station, Unit 1; Perry Nuclear Power Plant, Unit 1, Request for Hearing in License Transfer Proceeding. The Commission is being asked to act on a Memorandum and Order responding to a petition for leave to intervene and request for a hearing submitted by the Environmental Law and Policy Center in the licensing proceeding for the license transfer application filed by First Energy Nuclear Operating Company, on behalf of itself and First Energy Nuclear Generation, LLC. The Applicants seek NRC approval of direct and indirect transfers of the renewed facility operating licenses for Beaver Valley Power Station, Units 1 and 2, and Davis-Besse Nuclear Power Station, Unit 1; the facility operating license for Perry Nuclear Power Plant, Unit 1; and the general licenses for the independent spent fuel storage installations associated with each of these plants.

The Commission has voted to approve a Memorandum and Order denying the Environmental Law and Policy Center's request for hearing and petition to intervene and terminating the proceeding.

Would you please affirm your votes after I call your name?

CHAIRMAN SVINICKI: Aye.

COMMISSIONER BARAN: Aye.

COMMISSIONER CAPUTO: Aye.

COMMISSIONER WRIGHT: Aye.

ANNETTE VIETTI-COOK: Chairman that's all I have, Chairman, thank you.

CHAIRMAN SVINICKI: Thank you, Madam Secretary. Would any of the members of the Commission like to be recognized to make comments regarding the decisions just issued?

CHAIRMAN SVINICKI: Hearing none, I thank you for your participation, I will call the affirmation session to a close.

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 TELECONFERENCE)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: April 23, 2020

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: Wendy Moore

Reporter: (Teleconference)