

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*\*\*\*\*

AFFIRMATION SESSION

\*\*\*

PUBLIC MEETING

\*\*\*

Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland 20852  
December 23, 2016

The Commission met in open session, pursuant to notice, at 12:02 PM., Kristine L. Svinicki, Member of the Commission, presiding.

COMMISSIONERS PRESENT:

STEPHEN G. BURNS, Chairman of the Commission (participated via speaker phone)

KRISTINE L. SVINICKI, Member of the Commission

JEFF BARAN, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANDREW AVERBACH, Acting 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 December 23, 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.

[9:55 a.m.]

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

COMMISSIONER SVINICKI: Ok, Madam Secretary. I call the Affirmation Session to order. I understand we have one item for Affirmation, would you please lead us through.

ANNETTE VIETTI-COOK: This item is on SECY-15-0132 - *Powertech (USA), Inc. (Dewey-Burdock In Situ Uranium Recovery Facility)*—Petitions for Review of Licensing Board Panel-15-16 and Related Interlocutory Decisions. The Commission is being asked to act on a Memorandum and Order addressing four petitions for review relating to a materials license application for an *in situ* uranium recovery site filed by Powertech (USA), Inc. All parties to the proceeding—the Oglala Sioux Tribe, Consolidated Intervenors, Powertech, and the NRC Staff—have filed petitions for review of the Atomic Safety and Licensing Board’s Partial Initial Decision, and in the case of the Tribe and Consolidated Intervenors, earlier Board decisions finding several of their proffered contentions inadmissible. The Commission, with Commissioner Svinicki dissenting in part and Commissioner Baran dissenting in part, has voted to approve a Memorandum and Order that grants each party’s petition for review in part. The Memorandum and Order takes review of each party’s petition with respect to the finality of the Board’s ruling on Contentions 1A and 1B, finds that Board’s ruling on these contentions should be considered “final,” and directs that the proceeding remain open for the narrow purpose of resolving the deficiencies identified in these contentions. The Memorandum and Order takes review of the Staff’s and Powertech’s petitions with respect to the Board’s direction to the Staff to address the deficiencies identified in Contentions 1A and 1B and affirms the Board’s direction to the Staff with respect to these contentions. The Memorandum and Order denies the remainder of Powertech’s, the Staff’s, and Consolidated Intervenors’ petitions for review. The Memorandum and Order takes review of the Tribe’s petition with respect Contention 8, affirms the Board’s

conclusion with respect to that contention, and denies the remainder of the Tribe's petition for review. Would the Commissioners in the hearing room, please affirm your votes?

COMMISSIONER SVINICKI: Aye.

COMMISSIONER BARAN: Aye.

ANNETTE VIETTI-COOK: Chairman Burns, would you please affirm your vote?

CHAIRMAN BURNS: yeah, I affirm my vote.

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

COMMISSIONER SVINICKI: Ok, members of the Commission have no further comment?

Then we are adjourned, Thank you.

CHAIRMAN BURNS: Ok, Thanks bye bye.

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 23, 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)