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**OFFICIAL TRANSCRIPT OF PROCEEDINGS  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Title:**                   **MILLSTONE 3 LICENSE AMENDMENT  
PROCEEDING**

**Case No.:**               **50-423-LA-3**

**Work Order No.:**   **NRC-1396**

**LOCATION:**               **New London, CT**

**DATE:**               **Thursday, July 20, 2000**

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

[9:30 a.m.]

1  
2  
3 CHAIRMAN BECHHOEFER: This is the record of the  
4 formal oral argument that concluded last night, and the  
5 transcript will follow.

6 We have had a request on behalf of the Intervenors  
7 for the site tour which is going to happen in the start of  
8 the next few minutes; that it be recorded, transcribed.

9 And normally this is not the practice. The Board  
10 has invited all parties to be along, and there will be  
11 representatives of all parties there to make sure that there  
12 are no ex parte contacts and that type of thing.

13 But normally we do not transcribe the site tour,  
14 and I would like -- Ms. Burton, you wish to make a statement  
15 concerning that?

16 MS. BURTON: Yes, I would, thank you very much,  
17 Judge Bechhoefer. I'm Nancy Burton, representing the  
18 Connecticut Coalition Against Millstone and the Long Island  
19 Coalition Against Millstone.

20 I will not be, myself, attending the site  
21 inspection. Mr. Joseph Besade, who is a member of our  
22 Connecticut Coalition Against Millstone will be attending.

23 CHAIRMAN BECHHOEFER: That's fine, as your  
24 representative, that's fine.

25 MS. BURTON: Thank you. And he also previously

1 attended the site inspection that took place during  
2 discovery at the plant. Again, I was not present for that.  
3 Dr. Thompson was present, Mr. Lochbaum also was present.

4 And I have, myself, personally, declined to go to  
5 the plant. I understand that our experts did pick up some  
6 radiation when they went there. It's not a safe place and I  
7 have, for personal reasons, declined to go along.

8 However, I would make this request to the Board  
9 that the site inspection be recorded by your official  
10 Reporter, and the reason has nothing whatsoever to do with  
11 any concern whatsoever on the part of the Coalitions that  
12 there might ex parte contacts or conversations or anything  
13 of that nature.

14 The request is simply compelled by my  
15 understanding of what happened on the last site tour during  
16 discovery, which is that groups splintered up. There were  
17 representatives of the licensee who took different groups  
18 around, pointed out different things on an informal, ad hoc  
19 type basis.

20 There is no record of what was said, but there was  
21 confusion generated by that. And therefore, I think it  
22 would be very, very important to preserve for the record,  
23 the actual statements made.

24 And I think it has been suggested here that unlike  
25 the previous visit in which the group was splintered up,

1 this visit will be a confined group going about the areas  
2 altogether, listening to one person speaking at one time.

3 So, we're simply requesting, for purposes of  
4 preservation of this tour on the record -- I understand that  
5 our representative, Mr. Besade, asked Mr. Repka if the  
6 licensee would please permit Mr. Besade to videotape this  
7 site visit, and Mr. Repka has declined to grant that  
8 permission, and although I guess the plant has previously  
9 permitted newscasters to video in the spent fuel pool, he  
10 has declined this request for Mr. Besade, so there will  
11 otherwise be no record of what is said.

12 And what is in the pool, how things are  
13 identified, all that information is coming from the  
14 licensee, and it may be subject to some question, some  
15 dispute, and to avoid more confusion than is necessary, I  
16 think it would be of great aid to the Board, as well as the  
17 parties, to have the Court Reporter.

18 For one thing, I think that it would help to  
19 promote a more orderly site inspection than occurred the  
20 last time, which was much more informal, not that we're  
21 taking any exception to how it occurred before, but this is  
22 a formal proceeding. It is pursuant to an order of this  
23 Board, and I think that for all those reasons, it is an  
24 appropriate request. I appreciate your consideration.

25 [Discussion off the record.]

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1 JUDGE COLE: I would just like to make a comment  
2 that I have been with the Licensing Board for 27 years and I  
3 have made a large number of site visits and I have yet to  
4 have a court reporter travel along on the site visit, and I  
5 have been to most of the plants in the county.

6 CHAIRMAN BECHHOEFER: And while I haven't been  
7 around quite as long as Dick has, Judge Cole has, I haven't  
8 seen -- I have undertaken many site tours myself and have  
9 never seen a reporter come along.

10 I question whether even the equipment would be  
11 transportable to all the areas -- to the major area that we  
12 wish to see, which is the spent fuel pool.

13 Does the Licensee or Staff or either one have a  
14 statement to make?

15 MS. BURTON: Excuse me. Before we get to that,  
16 may I just respond briefly to those remarks?

17 CHAIRMAN BECHHOEFER: Yes.

18 MS. BURTON: I don't know if there may have been  
19 other requests in times past for court reporters to go along  
20 on these visits. I don't know if this is a very good  
21 parallel but certainly in local zoning law where site visits  
22 are often conducted, it is not uncommon for court reporters  
23 to go along to record what is said. It helps to preserve  
24 the record because it is very important to have a record of  
25 what happens and if it is a formal meeting and the full

1 Board is present, it is subject to -- in Connecticut we have  
2 a Freedom of Information Act, and that is why really they  
3 are very frequently, the meetings are recorded.

4 Whether that is again a good parallel or not I  
5 don't know, but there's some kind of a precedent for that.

6 As far as the equipment getting in, I don't see  
7 how that could be a real problem if in fact, as Mr. Repka  
8 has indicated, a television crew apparently was able to  
9 obtain access to videotape, a tour of the spent fuel pool.

10 I have spoken with the court reporter. I may  
11 stand to be corrected, but he didn't indicate to me that he  
12 thought that there would be a technical problem. He may  
13 wish to be heard on that. Perhaps somebody could assist him  
14 to make it easier, but it doesn't seem to be an  
15 insurmountable technical problem on the face of it.

16 JUDGE KELBER: I'd like to comment.

17 Not as a member of the Board but in my previous  
18 careers and also on one or two occasions I, too, have made  
19 site tours.

20 I was for 25 years a member of the Reactor Safety  
21 Review Committee at Argonne Laboratories, where we examined  
22 every facet of the reactors in our domain. I don't want to  
23 have my access limited by the mobility of the court  
24 reporter.

25 There are limitations. We have limited this to

1 the pool, and that's fine, but I don't want to have any  
2 further limitations. That's my own view, and I think that  
3 this would be an unnecessary limitation.

4 This is strictly to look at the object we have  
5 been talking about.

6 Personally from my experience I don't think that I  
7 really need to have that look. It helps the understanding.  
8 It doesn't add or subtract from the merits of anybody's  
9 arguments. It helps our personal understanding what objects  
10 stand behind the nouns, that's all.

11 CHAIRMAN BECHHOEFER: Does either Mr. Repka or Ms.  
12 Hodgdon have a comment, because this amounts to a motion, I  
13 guess, and you have a right to respond.

14 MR. REPKA: Yes. I really have nothing to add  
15 beyond what the Board has already said.

16 I don't think the request is necessary. I think  
17 it does present logistical issues. They are perhaps not  
18 insurmountable but they are real, and I frankly don't see  
19 the need for it, but if the Board wishes to have a court  
20 reporter we would accommodate it.

21 CHAIRMAN BECHHOEFER: Ms. Hodgdon?

22 MS. HODGDON: I really cannot understand why Ms.  
23 Burton thinks that they need a transcript of a tour. I have  
24 never heard of such a request. It's never been done.

25 It is totally unprecedented.

1           What it would be good for is hard for me to  
2 imagine. If Mr. Besade is going to represent the  
3 Intervenors on this tour, remember he has been there before  
4 and he is -- I don't know. There's no use that could be  
5 made of this transcript that I am aware of, certainly not  
6 with regard to this proceeding.

7           I think that people would not want to ask a  
8 question if they know it is going to be preserved, and in  
9 any event, the last tour, which took place on May 10th I  
10 believe, I was there and I don't have the same impression of  
11 it as Ms. Burton does.

12           She wasn't there, and so anything that -- her  
13 views about it are certainly -- she got them from Mr.  
14 Besade, I presume, or certainly from deposing the witnesses  
15 but nevertheless it was exactly like every other tour I have  
16 ever been on. It was, well, less extensive -- all we saw  
17 was the pool -- but in any event my point is that I think it  
18 would be setting a terrible precedent. I cannot imagine why  
19 anybody would want a court reporter -- excuse me, sir, not  
20 personal --

21           [Laughter.]

22           MS. HODGDON: I can't imagine why anybody would  
23 want to report a tour. It just is beyond my ability to  
24 imagine.

25           CHAIRMAN BECHHOEFER: Well, I would reiterate that

1 we will -- we don't want to have any ex parte information  
2 passed on to us and that is the major purpose of having,  
3 inviting all parties to attend, and I would presume Mr.  
4 Besade could report what is said and we presumably will be  
5 in one group so we will all hear the same thing.

6 [Discussion off the record.]

7 CHAIRMAN BECHHOEFER: The Board I think will deny  
8 the motion and again Mr. Besade is invited to come along and  
9 he may report whatever is said and he will hear whatever we  
10 hear and vice versa, but we are not supposed to be told  
11 substantive information concerning the issues that have been  
12 raised.

13 It will be for identification purposes of some of  
14 the terms that we have heard as part of the record, and that  
15 will help me at least understand and perhaps my other Board  
16 members as well.

17 I have toured some spent fuel pools but not to the  
18 extent that they have.

19 So we will deny the motion but it will be -- this  
20 part will be on the official record.

21 MS. BURTON: Well, I appreciate your  
22 consideration. I will note an exception for the record and  
23 thank you very much.

24 CHAIRMAN BECHHOEFER: Thank you.

25 [Discussion off the record.]

1 CHAIRMAN BECHHOEFER: At this stage we will close  
2 the major proceeding, the oral argument proceeding, and  
3 reopen the limited appearance statements -- well, I will  
4 just put an inquiry.

5 Is there anyone here who wishes to make a limited  
6 appearance statement?

7 [No response.]

8 CHAIRMAN BECHHOEFER: I think it now being 9:45  
9 and no one seems to be here, we will close that portion of  
10 the proceeding as well, so we are adjourned, and we will be  
11 off to the site tour.

12 [Whereupon, at 9:45 a.m., the hearing was  
13 concluded.]

