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## NUCLEAR REGULATORY COMMISSION

THE SECRETARY  
ROLEMAKINGS AND  
ADJUDICATIONS STAFF

Title: Dominion Nuclear Connecticut, Inc.  
Millstone Nuclear Power Station, Unit 3

Docket Number: 50-423-LA-3

Location: (Telephone Conference)

Date: Thursday, February 28, 2002

Work Order No.: NRC-263 Pages 670-697

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SECY-02

1                   UNITED STATES OF AMERICA  
2                   NUCLEAR REGULATORY COMMISSION

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5                   -----x  
6       In the matter of:                   :  
7       DOMINION NUCLEAR                   : Docket No. 50-423-LA-3  
8       CONNECTICUT, INC.                   :  
9       (Millstone Nuclear Power           :  
10      Station, Unit No. 3)               :  
11                   -----x

12                   Thursday, February 28, 2002

13  
14                   via telephone conference call

15  
16  
17       The above entitled matter came on for hearing,  
18       pursuant to notice, at 2:30 p.m.

19       BEFORE:

20       THE HONORABLE CHARLES BECHHOFER, CHAIRMAN

21       THE HONORABLE RICHARD F. COLE, ADMINISTRATIVE JUDGE

22       THE HONORABLE CHARLES KELBER, ADMINISTRATIVE JUDGE

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1       APPEARANCES:

2           On Behalf of Dominion Nuclear Connecticut:

3           DAVID A. REPKA, ESQ.

4           DONALD P. FERRARO, ESQ.

5           Winston & Strawn

6           1400 L Street, N.W.

7           Washington, D.C. 20005

8

9           LILLIAN M. CUOCO, ESQ.

10          Dominion Nuclear Connecticut, Inc.

11          Millstone Nuclear Power Station

12          Building 475/5

13          Rope Ferry Road (Route 156)

14          Waterford, Connecticut 06385

15

16          PETER HYDE, Spokesman

17          Millstone Station

18

19          On Behalf of the Intervenors:

20          NANCY BURTON, ESQ.

21          147 Cross Highway

22          Redding Ridge, Connecticut 06876

23

24

25

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1       APPEARANCES:    (cont.)

2       On Behalf of the Nuclear Regulatory Commission:

3           ANN P. HODGDON, ESQ.

4           Office of the General Counsel

5           Mail Stop - 0-15 D21

6           U.S. Nuclear Regulatory Commission

7           Washington, D.C. 20555-0001

8

9           VICTOR NERSES, Project Manager, Millstone-3

10          JOHN HICKMAN, Project Manager, Millstone-1

11

12          ALSO PRESENT:

13           JOE BESADE

14           Connecticut Coalition against Millstone,

15           Citizens Regulatory Commission, and Fish

16           Unlimited

17

18          MICHELLE McKOWN, ESQ., ASLBP

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

2:30 P.M.

CHAIRMAN BECHHOFER: This is a telephone  
pre-hearing conference in the Millstone 3 licensing  
proceedings.

I would like to first introduce the Board  
Members and then I'll have each of the parties,  
participants, introduce themselves.

My name is Charles Bechhoefer, I'm  
Chairman of the Board and with me is --

JUDGE COLE: This is Dr. Richard Cole.  
I'm an Administrative Judge with the Board.

JUDGE KELBER: This is Dr. Charles Kelber,  
also Administrative Judge with the Board.

CHAIRMAN BECHHOFER: And with us is  
Michelle McKown, who is a law clerk to the Board and  
has been working on this proceeding for some time.

Michelle?

MS. MCKOWN: Hello, everyone.

CHAIRMAN BECHHOFER: We'd like now the  
parties to introduce themselves, the parties and other  
participants to introduce themselves and I guess  
repeat your name and affiliation, etcetera.

MS. BURTON: Yes, thank you, Judge  
Bechhoefer. This is attorney Nancy Burton and I

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1 represent the Intervenors.

2 MR. REPKA: This is David Repka,  
3 R-E-P-K-A, representing Dominion Nuclear Connecticut  
4 and I'm on the phone from Washington and on a separate  
5 line is Lillian Cuoco.

6 CHAIRMAN BECHHOFER: Mr. Repka, I can  
7 hardly hear you.

8 MR. REPKA: I'll try to speak up. Is that  
9 better?

10 CHAIRMAN BECHHOFER: Yes.

11 MS. HODGDON: This is Anne Hodgdon for the  
12 NRC staff and with me I have Victor Nerves who is the  
13 project manager in Millstone Unit 3 and John Hickman  
14 who is the project manager in Millstone Unit 1.

15 MR. BESADE: Joe Besade of the Connecticut  
16 Coalition against Millstone, Citizens Regulatory  
17 Commission, and Fish Unlimited.

18 MR. HYDE: This is Peter Hyde. I'm  
19 spokesperson for Millstone Station.

20 CHAIRMAN BECHHOFER: Are you at the  
21 station or what?

22 MR. HYDE: I am at the station, that's  
23 correct, at Millstone and with me is Lillian Cuoco,  
24 attorney for Millstone.

25 CHAIRMAN BECHHOFER: Now I ask you by the

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1 way if you speak, it will help the reporter as well as  
2 other people to state your name before speaking each  
3 time. We called this call so we could address three  
4 motions that are before us in which we have provided  
5 rather expedited treatment.

6 The first two we'll take up together are  
7 the two, the motion to compel responses to discovery  
8 which both Dominion and the Staff have filed. Now  
9 Dominion is seeking discovery by tomorrow and we don't  
10 know what the status of various parties are, but could  
11 you, Ms. Burton, could you address your progress, if  
12 any, on responding to the discovery?

13 MS. BURTON: Yes. However, I really can't  
14 without speaking with reference to the motion for an  
15 adjustment to the scheduling order. If I may, we have  
16 requested additional time and essentially an extension  
17 of the scheduling order and in conjunction with that  
18 I must extend my apologies to everybody because it's  
19 my own schedule that has caused me to find it  
20 necessary to make the motion. That was principally  
21 owing to a civil jury trial that went on much longer  
22 than it had been anticipated in the State Court here  
23 in Connecticut, and it caused me to have to focus  
24 virtually all of my attention on that case for almost  
25 two months. And so that has chiefly been the cause

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1 occasioning my motion. And unfortunately, what I must  
2 request is that the Board consider extending the  
3 Intervenors' discovery period in order to continue the  
4 process of gathering the information that we need  
5 prior to responding to these motions on the part of  
6 the Staff and also Dominion. And I understand that  
7 there may be pressures on the Board to move these  
8 proceedings quickly, and I anticipate hearing that  
9 from the opposing counsel, but in recognition of the  
10 fact that these proceedings do concern discoveries  
11 that go back a great long period in time of events  
12 that occurred, apparently a long time ago and also in  
13 consideration of the very voluminous record which  
14 arrived on my doorstep nearly causing my doorstep to  
15 collapse, in recognition of these factors as well as  
16 recognition of the significance of the substance of  
17 these proceedings, I will just hope that the Court,  
18 the Board can take all of these factors into  
19 consideration and adjust the scheduling order.

I'm not suggesting an extension of the argument's date, but if the Board could permit some flexibility as to ability to respond and also continue to gather information prior to the deadline for briefs.

25 I guess that's about all.

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1                           CHAIRMAN BECHHOFER: We're sort of -- if  
2 we have an oral argument date, we're sort of stuck by  
3 the rules to provide that the presentation of the  
4 parties be filed 15 days before that. And that seems  
5 the way I read this that the rules, at least, and  
6 really the statute under which it was based as  
7 requiring that 15-day simultaneous filing period, so  
8 we have to take that into account.

9                           I don't think we can shorten the time  
10 between presentation date and the oral argument. We  
11 could shorten the times or lengthen the times as the  
12 case may be for that and we have some flexibility  
13 there.

14                          MR. REPKA: Judge Bechhoefer, if I may  
15 respond? This is Dave Repka.

16                          CHAIRMAN BECHHOFER: Yes, you may. And  
17 the Staff may also.

18                          MR. REPKA: First, on the question of the  
19 deferral, in fact on both the question of the deferral  
20 and our motion to compel, I think our papers really  
21 speak for themselves. We're opposed to a deferral of  
22 the schedule. We strongly believe that there has been  
23 ample time set forth to do what need to be done in  
24 this case and the Commission's policy statement and  
25 its expectations as far as meeting deadlines and

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1 fulfilling obligations in our licensing proceeding are  
2 very, very clear.

3 I don't think there's really any room for  
4 equivocation or interpretation in those expectations  
5 in the 1998 Commission policy statement.

6 With respect to the --

7 CHAIRMAN BECHHOFER: I might add that the  
8 standard at least for discovery, I think must be based  
9 not so much on the criteria in that policy statement,  
10 but the so called good cause shown based on  
11 exceptional circumstances which appears in 10 CFR  
12 2.1111. I think that's the standard we'd have to look  
13 for on discovery, but be that as it may, there may be  
14 less difference than --

15 MR. REPKA: I'm not sure there is a  
16 difference, but I would also take the position that  
17 the Commission interpreted good cause as extreme and  
18 unavoidable circumstances and that's how they  
19 articulated the standard and upheld that standard in  
20 the Calvert Cliffs case.

21 Be that as it may, I think we're certainly  
22 entitled to responses to the very narrow discovery  
23 request that we made on Connecticut Coalition. I'm  
24 not sure what I heard there from Ms. Burton in her  
25 request for more time. She requested time today for

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1 more time to gather the evidence or gather her  
2 information. Certainly she needs times to respond  
3 beyond the original deadline to respond at all to our  
4 request, but if there's any suggestion there that  
5 there should be more time for her to ask further  
6 discovery from us, I think that's completely  
7 unwarranted and would oppose that very vehemently.

8 I think the bottom line is we have asked  
9 for a response to our discovery. We've asked for  
10 March 1st. That's based on a March 17th date. Given  
11 that today is one day from March 1st, I think we're  
12 willing to say that --

13 CHAIRMAN BECHHOFER: Based on March 18,  
14 actually.

15 MR. REPKA: March 18, I'm sorry. I'm  
16 willing to say that some response due may be next  
17 week, a week from today at the outside would be  
18 appropriate, but I am not willing to go anything  
19 beyond that and I think certainly the date of the oral  
20 argument should stand.

21 MS. BURTON: May I respond? It's Nancy  
22 Burton.

23 CHAIRMAN BECHHOFER: Let's hear from the  
24 Staff. Why doesn't the Staff state its position.

25 MS. HODGDON: Well, we've heard for the

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1 first time further motion to extend discovery which is  
2 not on the agenda for today. Today's agenda, having  
3 been based on the motions that were filed,  
4 Intervenors' motion to extend scheduling orders and  
5 date of argument and DNC and the Staff motion to  
6 compel responses to discovery and so the new motion to  
7 extend discovery is -- I don't know where that's  
8 coming from, but in any event, we are certainly  
9 opposed to it and there couldn't be any good cause for  
10 it.

11                   The last day for filing discovery was the  
12 25th of January and we filed on that date. The last  
13 date for responding was the 8th of February. We've  
14 heard nothing from Intervenors. We have no answers.  
15 We have no objections and we have no motion for a  
16 protective order and we have no explanation of why  
17 this is and certainly no unavoidable and extreme  
18 circumstances, only that Ms. Burton was in a trial  
19 which is certainly something that one would expect of  
20 an attorney. So there are certainly not even good  
21 cause here, let alone the unavoidable and extreme  
22 circumstances.

23                   We oppose the motion to extend the dates  
24 and we certainly oppose the motion made just now to  
25 extend discovery and we didn't put a date on our

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1 motion to compel, but we would like it by Monday,  
2 March 4th and that's being -- even that puts us in  
3 very difficult circumstances with preparing through no  
4 fault of our own.

5 That's all I have to say now on the  
6 further motion to extend discovery. Our answer to the  
7 motion to extend the dates is in our written filing  
8 have nothing to add to that. And the motion to  
9 compel, I presume, our discovery, we'll argue after we  
10 finish this one, unless they're all one of a piece.

11 CHAIRMAN BECHHOFER: Well, we're  
12 discussing the two motions to compel together as we --

13 MS. HODGDON: Yes. Well --

14 CHAIRMAN BECHHOFER: We anticipated that  
15 the responses would be similar and the CCAM seeks a  
16 response, would be similar to both.

17 MS. HODGDON: That discovery was due on  
18 February 13th at the latest, if by mail, otherwise  
19 February 8th and so we're almost a month past that  
20 time now. With the time for filing our written  
21 presentations upon us, March 18, less than 3 weeks  
22 from now and we've heard nothing about what  
23 Intervenors' propose to put on in their case and in  
24 fact, even though they've complained about having  
25 received eight crates of documents in response to the

1 discovery, apparently they want even more now, even  
2 though they've not been able to read the eight crates  
3 that they have. So I don't know, it seems like  
4 there's a great deal of lack of discipline in this  
5 proceeding.

6 CHAIRMAN BECHHOFER: Ms. Burton?

7 MS. BURTON: Yes, thank you. Nancy  
8 Burton. I apologize for what may appear to be  
9 Attorney Hodgdon to be lack of discipline, but I'm not  
10 at all apologetic about the pressures that I have  
11 faced in what I have outlined as presenting a  
12 conflict.

13 I want to point out that we also have not  
14 filed a motion to compel with respect to co-counsel  
15 and for instance, with respect to our second discovery  
16 request addressed to Dominion, that was -- we were  
17 virtually, completely stonewalled and are not in the  
18 position to proceed, really, in a meaningful way until  
19 we have some answers to those questions.

20 Basically, I'm looking at all of these  
21 objections. They're simply a boilerplate objection to  
22 virtually everything we requested that is absolutely  
23 germane to these proceedings.

24 JUDGE KELBER: This is Judge Kelber. On  
25 the motion to compel?

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1 MS. BURTON: Out of time.

2 MR. REPKA: This is Dave Repka. The rules  
3 do specify a 10-day period for a motion to compel  
4 which has long since passed in this case.

5 MS. BURTON: Well, that is why I requested  
6 a modification on the scheduling order.

7 MS. HODGDON: Excuse me, it's Ann Hodgdon  
8 again. The modification of the scheduling order does  
9 not mention extension of discovery dates and extension  
10 of time for filing motions to compel which were long  
11 since overdue.

12 Ms. Burton complains of having eight  
13 crates of documents that she hasn't read, so she  
14 doesn't even know what's in them and now she wants  
15 more crates of documents and she doesn't give any  
16 indication of when she's going to have her case ready  
17 and with no reason whatsoever. These dates were  
18 established on November 5th. December, January,  
19 February, it's almost four months ago.

20 CHAIRMAN BECHHOFER: Actually, October  
21 31st.

22 MS. HODGDON: October 31st and the order  
23 was November 5th.

24 CHAIRMAN BECHHOFER: Order was November  
25 5th.

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1 MS. HODGDON: October 31st was the  
2 pre-hearing conference and you're quite correct, Judge  
3 Bechhoefer, it was October 31st. So that's four  
4 months ago and any scheduling conflicts that counsel  
5 may have gotten herself into is certainly other  
6 parties should not have to suffer because of that. I  
7 don't believe that -- we said in our paper, Ms. Burton  
8 truly has not demonstrated that she's entitled to any  
9 of relief whatsoever and we keep hearing more and more  
10 motions. She wants more and more and more, things  
11 that weren't even addressed in her pleading.

12 MS. BURTON: May I?

13 CHAIRMAN BECHHOFER: Yes.

14 MS. BURTON: Thank you. Nancy Burton  
15 again. On November 7th, we filed our first set of  
16 interrogatories. December 6th, we filed our second.  
17 It was after that, after the scheduling orders that  
18 were -- after the scheduling orders were set that I --  
19 I'm sorry, but I became completely engaged in a civil  
20 jury trial which was not anticipated at the time that  
21 we commenced all of this and I'm just very sorry, but  
22 it has demanded my full attention. I don't have a  
23 staff like Mr. Repka does, nor Tony Hodgdon and this  
24 work is virtually all pro bono work, public interest  
25 work.

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1 There is a very, very clear imbalance here  
2 between those who are gaining profit from this, who  
3 have tremendous resources and us poor folks on the  
4 other side who are simply trying to carry what's  
5 sometimes an expensive proposition that Thomas  
6 Jefferson may not have anticipated when he said that  
7 the price of liberty is vigilance.

All of these factors have occasioned the  
need to appeal to the Board to give us an opportunity.  
And as I've said, we were looking for a 60-day  
extension. I don't think 60 days is out of balance in  
terms of what we're looking at here and given the fact  
that we don't have the information that we asked for,  
I would suggest that we have been stonewalled in these  
proceedings to some extent.

16 I will endeavor to prepare motions  
17 addressed to all of this and just hope that the Board  
18 will give us some fair consideration.

19 MR. REPKA: This is Dave Repka. I would  
20 like to respond to that because I believe that was a  
21 practically shameless appeal that's completely  
22 unwarranted. And I think we, Dominion Nuclear  
23 Connecticut have responded to the discovery. We have  
24 responded far in excess of things that were relevant  
25 to this proceeding.

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1                   Yes, we did object to some very poorly and  
2 vaguely defined discovery requests. Yes, we did  
3 object to some things that were clearly outside the  
4 scope of this proceeding, but to hold off and vanish  
5 from a proceeding for weeks and months, long after the  
6 regulatory time period for responding, for filing a  
7 motion to compel and asking for more time  
8 retroactively is completely uncalled for, completely  
9 unwarranted, completely beyond and outside the  
10 Commission's expectations and really there really is  
11 no need for further discussion on this phone call  
12 because I think what the Board is required to do is  
13 very clear.

14 JUDGE KELBER: This is Judge Kelber. Ms.  
15 Burton, are you prepared in the next few days to reply  
16 to the discovery requests that are the subject of the  
17 motions to compel?

18 MS. BURTON: We are prepared to reply,  
19 however, our ability to reply in a meaningful way will  
20 be hampered if we don't have the further information  
21 that we've requested legitimately in these  
22 proceedings, that the opposing parties have available  
23 to them.

24 MS. HODGDON: Anne Hodgdon again. Can we  
25 stop this discussion of Ms. Burton's intentions to

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1 file motions to compel? She's way out of time with  
2 regard to that. Can we have a ruling that those are  
3 denied at this time so we can get on with the subject  
4 matter of this telephone conference call?

5 MR. REPKA: I second that request  
6 completely.

7 JUDGE COLE: This is Judge Cole. We're  
8 going to go on mute and discuss this for a minute.  
9 We'll be back shortly.

10 (Off the record.)

11 CHAIRMAN BECHHOFER: Okay, back on the  
12 record. We heard some conversation and didn't exactly  
13 understand about somebody calling back somebody on  
14 another line. Is everybody still on?

15 Is the Court Reporter still here?

16 COURT REPORTER: Yes.

17 CHAIRMAN BECHHOFER: Okay. I don't know  
18 who that was, but be that as it may, we've decided  
19 that we've really -- well, we can't grant in full or  
20 even very much part of the requested extensions for  
21 discovery and I don't think that any discovery or  
22 portions for a protective order of that sort. We  
23 would be willing to extend the discovery date to next  
24 Thursday, March 7th, the date for responses. But how  
25 much that would pressure various people to file their

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1 statements by March 18th which is the current date, we  
2 don't know and we'd like to hear on that.

3 MR. REPKA: This is Dave Repka.

4 CHAIRMAN BECHHOFER: We don't have a lot  
5 of leeway because some of which is our own schedules  
6 and there isn't too much leeway that we have for  
7 granting extensions.

8 MR. REPKA: This is Dave Repka. If I may  
9 try to reiterate what I think I heard which is you're  
10 denying any extension in which to file any further  
11 motions to compel?

12 CHAIRMAN BECHHOFER: That's correct.

13 MR. REPKA: And you would allow until  
14 March, a week from today, March 7th, for Connecticut  
15 Coalition to respond to our and the staff's pending  
16 requests. Is that correct?

17 CHAIRMAN BECHHOFER: The 7th was the date  
18 you mentioned, actually.

19 MR. REPKA: Yes, that's correct. And I  
20 would say if we get that response received on that day  
21 we can meet the March 18th deadline for written  
22 submissions, but I think March 7th, it's a -- we would  
23 appreciate that being a received by deadline.

24 CHAIRMAN BECHHOFER: Ms. Hodgdon?

25 MS. HODGDON: If our discovery requests

1       are fully answered on that date, that is, if  
2       Intervenors do tell us what their case is, do answer  
3       our questions, who the persons will be, who are  
4       furnishing their affidavits and what they will say and  
5       so forth, yes, we will be able to go forward in that  
6       time, but if we just get something else such as we  
7       did, unfortunately, the last time in the last  
8       proceeding, the initial proceeding in this matter, we  
9       will be even more disadvantaged than we are now and it  
10      will be extremely unfair to go to any sort of a  
11      hearing when Intervenors have the burden of going  
12      forward and it does not appear that they're ready to  
13      go forward.

14                     CHAIRMAN BECHHOFER: Off the record for  
15      a moment.

16                     (Off the record.)

17                     CHAIRMAN BECHHOFER: Back on the record.  
18       If we should extend the discovery date to March 7  
19       which we are prepared to do, Ms. Burton, could you  
20       then still file your presentations by Monday the 18th?

21                     MS. BURTON: We anticipate we would be  
22       able to do that, yes.

23                     CHAIRMAN BECHHOFER: I believe the  
24       conversation is over. We're going to go on mute  
25       again.

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1 (Off the record.)

2 CHAIRMAN BECHHOFER: Back on the record.

3 We will have the last date for CCAM to respond to  
4 discovery requests will be this Thursday, March 7th.  
5 And I guess that's the only day we'll change for  
6 present at least. Did everybody understand that?

7 MR. REPKA: This is Dave Repka. Can we  
8 clarify whether that's a received date, the response  
9 must be in our hands?

10 CHAIRMAN BECHHOFER: Yes, that's a  
11 receive date, but if it's sent by e-mails that day it  
12 will be received.

13 MS. HODGDON: What about documents?

14 CHAIRMAN BECHHOFER: Documents --

15 MR. REPKA: I think we want to keep it as  
16 a received date so you may want to set it up as a day  
17 earlier --

18 MS. HODGDON: They can be sent by  
19 overnight mail on the 6th then, documents that are  
20 responsive.

21 CHAIRMAN BECHHOFER: That's true. If  
22 documents have to be -- if documents can't be -- what  
23 do they call that scanned and put out -- well, they  
24 can be faxed or they -- the 7th will be the received  
25 date. That still means that paper copies of

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1        everything have to be dropped in the mail. That's the  
2        way NRC rules still work. But that can be put in the  
3        mail on that same date.

4                    MS. BURTON: Nancy Burton, just to  
5        clarify. So a fax or an e-mail is okay for the 7th?

6                    CHAIRMAN BECHHOFER: Yes, if we've  
7        received -- so we get it by the 7th.

8                    MS. BURTON: Right.

9                    CHAIRMAN BECHHOFER: And then --

10                  MS. HODGDON: And documents also are  
11        supposed to be, this is Ann Hodgdon again --

12                  CHAIRMAN BECHHOFER: Included documents.

13                  MS. HODGDON: Documents also to be  
14        received by the 7th?

15                  CHAIRMAN BECHHOFER: Correct.

16                  MS. HODGDON: Thank you.

17                  CHAIRMAN BECHHOFER: By fax or by --

18                  MS. HODGDON: However they get here. By  
19        the 7th.

20                  CHAIRMAN BECHHOFER: Yes. But if they  
21        fax them to do, then they can mail them on that date.  
22        They have to mail copies anyway.

23                  A couple of other matters that don't  
24        relate to any of these three matters that we've put in  
25        our order to consider today, but we would like to know

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1 as part of the filings of the -- of DNC and the staff,  
2 whether they are aware and whether it even applies of  
3 an issue set forth in NRC regulatory summary issue  
4 2001-12 which is titled "Nonconservative and  
5 pressurized water reactor sent to storage pool  
6 reactivity equivalency calculation." That was issued  
7 on May 18, 2001. We just want to know whether the  
8 parties are aware of that and whether they apply at  
9 all to the matters at issue in this proceeding?

10 It may not, as far as we --

11 MS. HODGDON: Ann Hodgdon here. I have  
12 that document in my office. The answer is no. We are  
13 aware of that document and I actually reviewed it when  
14 it was before --

15 MR. REPKA: This is Dave Repka. We are  
16 aware of it as well. I can't recollect at this point  
17 the details. I know there were discussions between  
18 Dominion and the staff at the time that paper was  
19 issued and it was resolved. How it was resolved or  
20 what the details are currently escape me, but I know  
21 we are aware of that paper.

22 JUDGE KELBER: This is Judge Kelber. We'd  
23 just like to get it on the record in your filings as  
24 to whether you expect, if any, that this matter  
25 applies to the spent fuel pool of Millstone 3.

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1 MR. REPKA: Yes, we can do that.

2 JUDGE KELBER: Appreciate that. And one  
3 other matter that we've been discussing is we've  
4 received the inspection report from Staff which refers  
5 to the Millstone Corrective Action Plan and in that  
6 reference it states that there have been some  
7 additions to that plan as a result of the root cause  
8 analysis and lessons learned at Millstone 1.

9 In your filing we would appreciate it if  
10 you would discuss the extent to which those additions  
11 to the corrective action plan apply to Millstone 3.

12 MR. REPKA: What you're saying is were the  
13 corrective actions in response to the report applied  
14 at Millstone 3. That's your question?

15 JUDGE KELBER: Yes.

16 MR. REPKA: Okay, I understand that  
17 question and we can address it.

18 JUDGE KELBER: In your presentations, not  
19 before that.

20 MR. REPKA: I understand.

21 MS. HODGDON: I understand too. I believe  
22 that we will have that in our presentation.

23 MS. BURTON: Excuse me, before we go off,  
24 Nancy Burton. I'm not as up to speed as the others on  
25 either of these.

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1                   With respect to the first one, Judge  
2 Bechhoefer, the regulatory report you mentioned?

3                   CHAIRMAN BECHHOEFER: Yes.

4                   MS. BURTON: I don't believe I have that  
5 and I wasn't able to rapidly enough move my pen to  
6 take down the full title.

7                   I assume I'll have to go to the Public  
8 Document Room to obtain a copy of it.

9                   MS. HODGDON: I think you can probably get  
10 it on the website. It's only about 25 pages long and  
11 it's very simple.

12                  CHAIRMAN BECHHOEFER: I think she was  
13 talking, you were talking about not the inspection  
14 report, were you?

15                  MS. HODGDON: About the summary issue of  
16 2001 --

17                  CHAIRMAN BECHHOEFER: It's only two pages  
18 long.

19                  MS. HODGDON: It's about 25 pages long.

20                  CHAIRMAN BECHHOEFER: The one I'm reading  
21 from is two pages.

22                  MS. HODGDON: That's the cover letter.  
23 The document itself is 25 pages long.

24                  CHAIRMAN BECHHOEFER: We don't we have  
25 that one.

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1 MS. HODGDON: Okay.

2 CHAIRMAN BECHHOFER: We have it as a  
3 regulatory issues summary.

4 MS. HODGDON: Okay, what you have is a  
5 summary. It's based on the document. It says the  
6 same thing. You don't need the 25 pages.

7 CHAIRMAN BECHHOFER: I'm sure we want it.

8 MR. REPKA: We'd like the exact title.

9 CHAIRMAN BECHHOFER: I can read it off  
10 again.

11 MS. BURTON: If you don't mind.

12 CHAIRMAN BECHHOFER: NRC Regulatory Issue  
13 Summary 2001-12. The title is Nonconservatism in  
14 pressurized water reactor spent fuel storage pool  
15 reactivity equivalency calculation. And it's dated  
16 May 18, 2001.

17 MS. BURTON: Okay.

18 CHAIRMAN BECHHOFER: Do you have that  
19 now?

20 MS. BURTON: Thank you very much.

21 CHAIRMAN BECHHOFER: You're welcome.

22 MS. BURTON: And the inspection reports  
23 specifically you're referring to is what date?

24 CHAIRMAN BECHHOFER: It was sent to me.  
25 We got it today. You should have been sent copies.

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1 I think --

2 MS. HODGDON: Ms. Burton was sent copies  
3 and it bears a date of yesterday, February 27th, but  
4 I believe that -- I don't know. It may not have been  
5 issued until today.

6 CHAIRMAN BECHHOFER: We received ours  
7 today.

8 MS. HODGDON: I sent it as soon as I got  
9 it.

10 CHAIRMAN BECHHOFER: Nobody is  
11 criticizing.

12 MS. HODGDON: I know that. What I mean to  
13 say is I don't know what date it is. I think it has  
14 the 27th on it.

15 CHAIRMAN BECHHOFER: It does.

16 JUDGE COLE: This is Dr. Cole. It's dated  
17 February 27, 2002.

18 MS. HODGDON: If anyone would like, I will  
19 send them a note about the documents that the  
20 regulatory issue and so forth. I think that the  
21 summary statement says it all, but you can get the  
22 documents. It's on my desk. So if Judge Kelber would  
23 like to read it or something, I'll just identify it.

24 JUDGE KELBER: I have enough to read.  
25 Thank you, Ms. Hodgdon.

1 MS. HODGDON: Okay, fine. If you change  
2 your mind, just ask me and I'll send you --

3 JUDGE KELBER: I know the technique.

4 MS. HODGDON: I know you understand this.  
5 It's just that I thought you might like the book, but  
6 you only have the paper. But if you don't want the  
7 book, that's fine. Good.

8 CHAIRMAN BECHHOEFER: Okay, is there  
9 anything further that anyone would like to discuss at  
10 this time?

11 (Pause.)

12 Wait a minute. Hearing nothing, I think  
13 we're adjourned. There being nothing further, the  
14 conference is concluded and again we thank you.

15 (Whereupon, at 3:12 p.m., the conference  
16 was concluded.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Dominion Nuclear Connecticut  
Millstone Nuclear Power  
Station, Unit 3

Docket Number: 50-423-LA-3

Location: (Telephone Conference)

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

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