

RAS 5105

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Duke Energy Corporation
McGuire Nuclear Station Units 1 & 2
Catawba Nuclear Station Units 1 & 2

Docket Number: 50-369-LR et al.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL
LICENSING RENEWAL
TELEPHONE CONFERENCE CALL

-----x

IN THE MATTER OF : Docket Nos.
DUKE ENERGY CORPORATION : 50-369-LR
(McGuire Nuclear Station, : 50-370-LR
Units 1 & 2, Catawba Nuclear : 50-413-LR
Station, Units 1 & 2) : 50-414-LR

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Monday,
December 16, 2002

The above-entitled matter came on for hearing,
pursuant to notice, at 1:00 p.m.

BEFORE:

THE HONORABLE ANN MARSHALL YOUNG, Chair
THE HONORABLE CHARLES N. KELBER
THE HONORABLE LESTER S. RUBENSTEIN

1 APPEARANCES:

2 On Behalf of the Licensee, Duke Energy Corp.:

3 DAVID A. REPKA, ESQ.

4 ANNE W. COTTINGHAM, ESQ.

5 Of: Winston & Strawn

6 Suite 800

7 1400 L Street, NW

8 Washington, DC 20005

9 (202) 371-5700

10 AND

11 LISA F. VAUGHN, ESQ.

12 Of: Duke Energy Corporation

13 422 South Church Street

14 Charlotte, NC 28202

15

16 On Behalf of the Nuclear Regulatory Commission:

17 SUSAN L. UTTAL, ESQ.

18 U.S. Nuclear Regulatory Commission

19 Office of the General Counsel

20 Mail Stop-0-14D21

21 Washington, DC 20555-0001

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1 APPEARANCES: (cont.)

2 On Behalf of the Intervenors:

3 DIANE CURRAN, ESQ.

4 Washington, D.C.

5

6 MARY OLSON, Director Southeast Office

7 Of: Nuclear Information and Resource Service

8 729 Haywood Road, 1-A

9 P.O. Box 7586

10 Asheville, NC 28802

11

12 ALSO PRESENT:

13 Michael Barrett, Duke Energy

14 Duncan Brewer, Duke Energy

15 Ken Canady, Duke Energy

16 Bob Gill, Duke Energy

17 Greg Robison, Duke Energy

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

1:00 p.m.

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3 JUDGE YOUNG: This is Judge Young. I'm here
4 with Judge Kelber and Judge Rubenstein is calling in
5 from Arizona. The staff, Ms. Uttal?

6 MS. UTTAL: Susan Uttal, representing the
7 staff. I'm here with James Wilson, who is the
8 Environmental Project Manager and Brooke Smith, who's
9 an attorney in our office.

10 JUDGE YOUNG: And Ms. Curran?

11 MS. CURRAN: Hi, this is Diane Curran,
12 representing Blue Ridge Environmental Defense League,
13 and I believe Lou Zeller is also on the phone.

14 JUDGE YOUNG: You also represent NIRS?

15 MS. CURRAN: Yes.

16 JUDGE YOUNG: Correct?

17 MS. CURRAN: Yes, because we're the lead
18 intervener.

19 JUDGE YOUNG: Anyone else going to be
20 joining us from interveners?

21 MS. CURRAN: I don't know whether Mary
22 Olson's planning to be on the call or not.

23 JUDGE YOUNG: Okay. Mr. Repka, why don't
24 you introduce yourself and whoever's with you and then
25 Mr. Gill in Charlotte.

1 MR. REPKA: Okay, this is David Repka. I'm
2 here in Washington with Anne Cottingham and we
3 represent Duke Energy. I'll turn it over to Bob for
4 the Charlotte contingent.

5 MR. GILL: Yes, this is Bob Gill in
6 Charlotte with Duke and I have Michael Barrett, Duncan
7 Brewer and Greg Robison with me.

8 JUDGE YOUNG: Thank you. I really don't --
9 we don't expect that this conference should take very
10 long. I guess the first thing would be to get an
11 update on the SEIS and SER, whether we're still on
12 schedule with that.

13 Why don't you tell us whatever you have to
14 inform us of, Ms. Uttal. Any updates on that and any
15 other related issues.

16 MS. UTTAL: Well, I believe that both
17 documents, the SEIS and the SER are on schedule.
18 They're due to be out mid-January, I believe. That's
19 really all I have to report. I've just now got an
20 update to the case file that everybody should be
21 receiving this week.

22 There has been some further action on GSI
23 189 if the Board wants to hear about that.

24 JUDGE YOUNG: Go ahead.

25 MS. UTTAL: Okay. There was a presentation

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1 before the ACRS last month and there's a letter in
2 ADAMS to Chairman Meserve from the ACR. I think it's
3 from Research -- no, from the ACRS.

4 The ADAMS number is ML-023230513 and the
5 slides that were presented at the meeting can be found
6 in ADAMS at ML-023240352.

7 JUDGE YOUNG: Thanks. The new documents
8 that you sent out for the case file, that was your
9 December 12 mailing?

10 MS. UTTAL: Yes.

11 JUDGE YOUNG: Okay. I received those this
12 morning, so -- and that's a fairly thick stack.
13 Anything else from the staff that you'd like to fill
14 us in on?

15 MS. UTTAL: Nothing else, Your Honor.

16 JUDGE YOUNG: Are there any questions for
17 Ms. Uttal from anyone else?

18 MS. CURRAN: This is Diane Curran. I have
19 a question. Susan, is there an accession number or the
20 ML number for the transcript of the ACRS meeting?

21 MS. UTTAL: I forgot to look that up. So
22 there probably is and I can get that to you.

23 MS. CURRAN: If you could send us an e-
24 mail?

25 MS. UTTAL: No problem.

1 MS. CURRAN: Great. Thanks.

2 JUDGE YOUNG: Judge Kelber can provide that
3 also.

4 JUDGE KELBER: I could provide those
5 numbers. The sub -- there are two transcripts of
6 interest. One is the subcommittee and that transcript
7 is at ML-023220630. Although the transcript as a whole
8 is interesting, the concluding remarks from the
9 committee members are -- start about roughly page 103.

10 In addition, the transcript of the full
11 committee meeting, which took place the next day, is
12 at ML-023220353 and there, I believe the conclusions
13 are on page, roughly starting at page 60.

14 There's also an interesting letter that is
15 -- whose contents are included in the staff's
16 presentation to the committee, but the letter is -- or
17 it's a memorandum, actually, that contains some
18 numbers about the actual risk estimates and the
19 uncertainties, and that's at ML-022810537.

20 JUDGE YOUNG: Did you get all that?

21 MS. CURRAN: I think so.

22 JUDGE YOUNG: Okay, did someone else just
23 join us?

24 MS. OLSON: Yes, this is Mary Olson. I'm
25 sorry to be late.

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1 JUDGE YOUNG: Okay. Ms. Uttal was just
2 giving us an update. The SEIS and SER are still due to
3 be out as planned mid-January and Ms. Uttal gave us
4 the information about generic safety issue 189 as
5 discussed with the ACRS and accession numbers were
6 provided for those, and also for the transcript by
7 Judge Kelber.

8 So they'll be in the record, and also Ms.
9 Curran has those.

10 MS. OLSON: Thank you.

11 JUDGE YOUNG: Any other questions of the
12 staff or any other subjects?

13 JUDGE RUBENSTEIN: Hello, this is Judge
14 Rubenstein. Judge Kelber, were you going to also offer
15 the November 13 letters? I think that was the one that
16 we started the conversation with.

17 JUDGE KELBER: Yes, that's -- I already
18 suggested that. That's the memorandum, actually, ML-
19 022810537. Ms. Uttal has already referred to the
20 letter from the ACRS on their recommendations to
21 Chairman Meserve.

22 JUDGE YOUNG: Do you have anything else?

23 JUDGE KELBER: I would just like to suggest
24 that on the -- that although the ACRS is viewing this
25 issue from a regulatory standpoint, rather than an

1 environmental standpoint, reading their discussions
2 may be conducive to considering grounds for a
3 settlement.

4 I would urge the parties to look at it
5 that way. I do have, if there's no other business, a
6 question for, I believe, Mr. Gill. At the ACRS
7 meeting, Mr. Rosen, I believe it was, mentioned that
8 a group had toured an ice condenser plant and using
9 the plant simulator found that operators in the event
10 of a station black-out could find alternate power
11 sources igniters.

12 I was just wondering whether anybody had
13 looked at this for the McGuire and Catawba plants.

14 MR. GILL: Judge, with --

15 JUDGE KELBER: I ask you, Mr. Gill, because
16 I know you were at --

17 MR. GILL: Yes, Michael Barrett and I were
18 both at the subcommittee meeting on the 5th of
19 November. I'm not sure any of that has been done at
20 McGuire and Catawba. You know, a lot of it depends on
21 how many AC power sources you have available and what
22 you can connect to in a short period of time, but if
23 you lose both diesels, you're pretty much -- .

24 You need hardware changes to do any cross-
25 connecting.

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1 JUDGE KELBER: I just don't know what Mr.
2 Rosen -- what plant Mr. Rosen visited and what the
3 conclusions were based on.

4 MR. GILL: Yes, I'm not sure either, sir.

5 JUDGE KELBER: It takes looking into.

6 COURT REPORTER: I'm sorry, this is the
7 Court Reporter, was that Mr. Gill speaking with Judge
8 Kelber?

9 MR. GILL: Yes ma'am, Mr. Gill, and I'd
10 like to point out Lisa Vaughn has arrived.

11 MR. REPKA: And this is Dave Repka. I just
12 -- We can look back at that, too, Judge Kelber, and
13 see if in fact there has been any visit to McGuire and
14 Catawba, just confirm one way or the other for you.

15 JUDGE KELBER: I really don't know what
16 plants he went to.

17 JUDGE YOUNG: Mr. Repka, since you've
18 spoken up and we've heard from Mr. Gill, do you have
19 any updates to provide to the rest of us?

20 MR. REPKA: I have no updates. I do have
21 one point of clarification I'd like to bring up on the
22 Board's last order, if this would be an appropriate
23 time.

24 JUDGE YOUNG: Go ahead.

25 MR. REPKA: In the Board's November 8

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1 order, there is a -- it documents, I think, a decision
2 that was on our last conference call, that if there
3 were to be any late filed issues coming out of the
4 staff documents, they be done within 30 days after the
5 documents are issued.

6 I wanted to clarify, number one, that
7 there is a distinct possibility, the way I understand
8 it, that the staff documents, the SEIS and the SER,
9 will come out on different days.

10 In that case, it would be two separate
11 clocks. The second thing, given that we just wanted to
12 request, and I have made this request to Ms. Uttal,
13 that when the staff documents are issued, they be
14 issued by some expeditious means to assure that all
15 the parties get those as quickly as possible.

16 JUDGE YOUNG: Thank you for bringing that
17 up. Actually, I had on my list -- this is Judge Young
18 -- I had on my list to just remind everyone of that
19 30-day deadline, which would commence on the date you
20 receive the SEIS or the SER or any other document;
21 that that 30 day time period would start to run at
22 that point, whatever else has or has not happened in
23 the case.

24 So, I did want to remind the interveners
25 of that. Thank you for your suggestion. Obviously it's

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1 a good idea to try to get these things out to people
2 as quickly as possible so that they can get to work on
3 any late filed contentions.

4 Do the interveners have any updates that
5 you would like to provide to us?

6 MS. CURRAN: Not at the moment. This is
7 Diane Curran.

8 JUDGE YOUNG: Anything else, Judge Kelber?
9 Judge Rubenstein?

10 JUDGE RUBENSTEIN: No, thank you.

11 JUDGE YOUNG: Well, I think that takes care
12 of everything on my list. Unless there's anything else
13 on our list here. If there isn't anything else, do the
14 parties think that it would be a good idea to set
15 another time to touch base like this in late January?

16 MR. REPKA: I think that -- This is Dave
17 Repka. I think that would be appropriate.

18 JUDGE YOUNG: Looking at the last week in
19 January. We'll have a little bit more time, and then
20 by that time the SEIS and SER should be out. I'm
21 pretty much open. Judge Kelber or Judge Rubenstein?

22 JUDGE RUBENSTEIN: I'm pretty well open the
23 27th, 29th, 31st.

24 MS. UTTAL: Judge, this is Susan Uttal. I'm
25 not available the Monday or Tuesday of that week.

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1 JUDGE RUBENSTEIN: Wednesday or Friday.

2 JUDGE YOUNG: What about the 29th,
3 Wednesday the 29th at 1:00 p.m. Eastern time like we
4 did today?

5 MR. REPKA: This is Dave Repka. That works
6 for us here. I'd ask Charlotte if that presents any
7 problem.

8 MR. GILL: This is Bob Gill from Charlotte.
9 It looks okay for all of us down here, too.

10 MS. CURRAN: Judge Young, this is Diane
11 Curran. Would it be possible to make it 1:30? I have
12 a standing meeting at noon that sometimes goes over an
13 hour.

14 JUDGE YOUNG: I think, Ms. Uttal, you're
15 the only one that has to leave early and I think that
16 was 3:00, so that shouldn't present a problem for you,
17 should it?

18 MS. UTTAL: That's correct, 3:00.

19 JUDGE YOUNG: Okay, then let's set it for
20 1:30 Eastern time on the 29th and I'll just issue an
21 order stating that and look forward to talking with
22 everyone then. Obviously, as I said before, if
23 anything happens such that any party wants an earlier
24 conference, we can do that by e-mail and get a date
25 set in that manner.

1 Otherwise, we'll all talk on the 29th and
2 happy holidays to everyone in the meantime.

3 (Whereupon, the foregoing matter went off
4 the record at 1:14 p.m.)

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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: Duke Energy Corporation

McGuire Nuclear Station

Units 1 & 2

Catawba Nuclear Station

Units 1 & 2

Docket Number: 50-369-LR et al.

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.

15/ Heather Craycraft
Heather Craycraft
Official Reporter
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