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NUCLEAR REGULATORY COMMISSION

Title: Duke Cogema Stone & Webster
Savannah River Mixed Oxide Fuel
Fabrication Facility

Docket Number: 70-3098-ML

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL
LICENSING RENEWAL
MOX TELECONFERENCE

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In the matter of : Docket No.
DUKE COGEMA STONE & WEBSTER : 70-3098-ML
(Savannah River Mixed Oxide :
Fuel Fabrication Facility :

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Tuesday,
May 13, 2003

The above-entitled matter came on for hearing,
pursuant to notice, at 10:00 a.m.

BEFORE:

- THE HONORABLE THOMAS S. MOORE, Chair
- THE HONORABLE CHARLES N. KELBER
- THE HONORABLE PETER S. LAM

1 APPEARANCES:2 On Behalf of the Licensee, Duke Coqema Stone &
3 Webster:

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12 MITZI A. YOUNG, ESQ.

13 CASSIE BRAY, ESQ.

14 U.S. Nuclear Regulatory Commission

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ALSO PRESENT:
TIM HARRIS, NRC STAFF
DAVID BROWN, NRC STAFF

P R O C E E D I N G S

10:00 A.M.

1
2
3 MS. CURRAN: (Tape begins mid-sentence) --
4 the ultimate safety finding will not occur until after
5 construction has commenced, if not finished, and
6 therefore there is a material dispute to the parties
7 that has legal significance.

8 MR. SILVERMAN: This is Mr. Silverman.
9 There has to be an independent, separate safety
10 finding on a construction authorization and that does
11 have to come before construction occurs. I'm not
12 talking about the safety finding with respect to
13 operations.

14 But in any event, the fundamental point
15 that I made before we were cut off was that the
16 Commission's decision CLI 02-07 addresses this issue,
17 makes it clear as a matter of law that safety-unique
18 findings can be and are, in fact, independent and that
19 makes the contention inadmissable in my view.

20 JUDGE MOORE: And if I'm recalling
21 correctly, my question to you, Mr. Silverman, was that
22 because of the Commission's determination, is it not
23 irrelevant what determination, if any, the fact has
24 made, contingent or otherwise?

25 MR. SILVERMAN: Yes, we believe it is

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1 irrelevant.

2 JUDGE MOORE: Ms. Curran, 18(b).

3 MS. CURRAN: 18(b), hinges on a small, but
4 important word, the word "the," which is a specific
5 modifier, implying that the noun that it modifies
6 exists.

7 And the Commission has ruled that in this
8 case, it wasn't necessary for DCF to file its
9 operating license application before the NEPA process
10 would go forward.

11 On the other hand, in footnote 30, the
12 Commission pointed out that a licensee or an applicant
13 could file its application.

14 And I think it's reasonable, if an
15 ordinary lay person or a lawyer were to read the
16 regulation, it would be reasonable to infer that an
17 application would be filed before a proceeding went
18 forward and the important thing here is that the EIS
19 not be misleading, that --

20 JUDGE MOORE: Ms. Curran, let me ask you
21 a couple of questions.

22 MS. CURRAN: Sure.

23 JUDGE MOORE: First of all, are you
24 reading a legal issue here or a factual issue?

25 MS. CURRAN: It's a factual issue having

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1 to do with the misleading nature of the EIS.

2 JUDGE MOORE: Do you concede that in other
3 portions of the draft EIS the process in which the
4 staff is going through in its environmental review is
5 fully spelled out?

6 MS. CURRAN: There is another page on
7 which, a different page, on which the NRC says that
8 the operation license application hasn't been filed
9 yet, but I think it's really important for an EIS to
10 be clear and for a person not to have to sort of hunt
11 in the haystack, or to put the stack together. By
12 using the word "a" --

13 JUDGE MOORE: But isn't the part you just
14 described coming before the portion of the DEIS to
15 which you're objecting? And may I not assume that
16 people should read things in order?

17 MS. CURRAN: Of course, one can assume
18 that people should read things in order, but an EIS is
19 a very long document. And there's no reason why the
20 NRC could not have used the correct modifier which
21 would have been the word "a", because "a" is a general
22 modifier that refers to something that may or may not
23 exist.

24 Basically, what we're asking for is
25 consistency here.

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1 JUDGE LAM: Ms. Curran, this is Judge Lam.

2 MS. CURRAN: Yes.

3 JUDGE LAM: If the staff, if they were
4 willing to change the word from "the" to "a" would
5 that satisfy you so the contention will go away?

6 MS. CURRAN: Well, I'd like to think about
7 it, but it certainly would go a ways towards it, yes.

8 JUDGE MOORE: And since this is only the
9 draft, not the final, isn't this irrelevant on its
10 face?

11 MS. CURRAN: Well, the staff could perhaps
12 moot our concerns, but that doesn't mean the
13 contention isn't admissible now.

14 JUDGE MOORE: Mr. Silverman --

15 MR. SILVERMAN: Yes, Your Honor, the point
16 here is the standard of review, the standard is
17 whether GANE has raised a genuine issue of material
18 fact or law and the fact that the DEIS in this
19 location uses the word "the" as opposed to the word
20 "a" in our view clearly does not rise to that level.

21 Secondly, the use of the word "the" is a
22 direct quote from the applicable regulations. That
23 would be 23(a)(7) which sets the determination and the
24 finding that the staff needs to make the DEIS simply
25 restates that language.

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1 And finally, if anyone is concerned about
2 misleading information in the DEIS, a member of the
3 public would only have to go -- would have to go no
4 further than reading the executive summary because the
5 executive summary specifically says, and I quote, "if
6 the NRC approves the CAR, DCF plans to request a 10
7 CFR Part 70 license to possess and use special nuclear
8 material at the proposed MOX facility."

9 And that language is also repeated in
10 Chapter 1 of the DEIS and perhaps elsewhere.

11 JUDGE MOORE: Mr. Hull?

12 MR. HULL: I'd only add, Your Honor, that
13 if the staff had not followed the regulatory wording
14 in 70.23(a)(7), then we would have had a contention
15 that we weren't following our regulation, so I really
16 think that the whole contention 18(b) is pretty silly.

17 JUDGE MOORE: Is the staff willing to,
18 just for the sake of argument at this moment, in the
19 final EIS make that word "a" instead of "the"?

20 MR. HULL: I would certainly have no
21 problem doing that, Your Honor.

22 JUDGE MOORE: So that would essentially
23 moot this contention, would it not, if we know the
24 EIS, the final EIS would say "a" instead of "the"?

25 MR. HULL: I would think it would, Your Honor.

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1 JUDGE KELBER: This is Judge Kelber. I'm
2 somewhat bothered, because I believe they are reading
3 two licenses here. And I don't understand why we have
4 to make -- have to have this argument at all.

5 One is the acceptance of CAR which is a
6 form of license, a license to operate, and says
7 nothing about the proposed license, which is the
8 license to confront.

9 JUDGE MOORE: Would any of you like to
10 address Judge Kelber's question?

11 MS. CURRAN: I would. This is Diane
12 Curran.

13 Judge Kelber, I don't believe that the
14 construction authorization is a license. It is
15 something that has been created in this case --

16 JUDGE KELBER: It's not the equivalent of
17 a license?

18 MS. CURRAN: It's not, no. It's something
19 else. The license --

20 JUDGE KELBER: Do you know what it is?

21 MS. CURRAN: No, because I have never seen
22 one before and it's not in the regulations.

23 JUDGE KELBER: Why don't we call it a
24 license?

25 MS. CURRAN: Well, I'd rather not because

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1 I think it's important to go by what the regulations
2 prescribe.

3 JUDGE KELBER: Then the staff is correct
4 in quoting the regulations correctly.

5 MS. CURRAN: Except there is -- no
6 proposed license exists. The proposed license is the
7 thing that will be filed in October 2003. And the
8 EIS, as it's written, contains a false implication
9 that this proposal is more developed than in fact it
10 is.

11 JUDGE MOORE: Ms. Curran, it is your
12 position that the choice of the word "the" in the DEIS
13 as opposed of the use of "a" arises to a genuine issue
14 of material fact, a dispute over an issue of genuine
15 material fact?

16 MS. CURRAN: Yes. Although I would like
17 to comment on something that Mr. Hull said which is
18 that -- maybe Mr. Silverman mentioned it also, the
19 word "the" is in the regulation, and as the Commission
20 pointed out in footnote 30, there are instances where
21 -- or there may be instances where there is a proposed
22 license. It's possible. And really, at bottom, I
23 think what this issue raises is the problem that's
24 created by the Commission's interpretation of the
25 regulation.

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1 JUDGE MOORE: Yes, that is what's at
2 bottom, and did not the Commission already decide that
3 issue, and aren't you reploting old ground?

4 MS. CURRAN: What this contention attempts
5 to do is to show the -- it basically is to prevent the
6 --

7 JUDGE MOORE: Does not this really tag on
8 to your contention 18(a) that you concede is
9 preserving your record to challenge the Commission's
10 prior decision? Doesn't really 18(b) do the same
11 thing?

12 Because hasn't the Commission already
13 decided that there can be a 2-pronged approach of CAR,
14 a CAR, a construction authorization request and then
15 a request for a license to possess and use special
16 nuclear material?

17 MS. CURRAN: There's a separate issue, I
18 think, that the result of this interpretation is that
19 the EIS is written in a way that it becomes
20 misleading.

21 JUDGE MOORE: Ms. Curran, would you like
22 to address Contention 19(a)?

23 MS. CURRAN: We have decided, in light of
24 the Amended Record of Decision that DOE noticed in the
25 Federal Register on April 24, 2003, to withdraw our

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1 contention 19.

2 JUDGE MOORE: Okay.

3 MS. CURRAN: Because it appears that the
4 DOE has now commented on both the environmental report
5 and the draft environmental impact statement.

6 JUDGE MOORE: All of contention 19?

7 MS. CURRAN: Yes.

8 JUDGE MOORE: Okay. Would you like to
9 move on then to contention 20?

10 MR. HULL: Excuse me for a second, Judge,
11 John Hull for the NRC Staff. I wanted to go back to
12 18B for just a second and just for the record, the
13 regulation we've been talking about 70.23(a)(7),
14 contains the phrase here, "The action called for is
15 the issuance of the proposed license," and that's
16 exactly what we had stated in the draft EIS. I just
17 wanted to make that clear.

18 Thank you.

19 JUDGE MOORE: Ms. Curran, would you like
20 to address your contention 20?

21 MS. CURRAN: Yes. I think the big issue
22 here is whether GANE is inexcusably late in filing
23 this contention, which speaks of restoration of
24 consideration of the immobilization alternative which
25 has been a consideration throughout the process of

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1 looking at plutonium disposition.

2 I think DCS argues, well, it was dropped
3 from the revised environmental report and should have
4 raised the issue then.

5 Our point here is that the NRC itself has
6 independently taken up this issue, has held three
7 separate meetings with the public attended by I think
8 Mr. Harris who is on the phone today and Chip Cameron
9 from the Commission's office in which the staff very
10 explicitly said to the public, "We want your comments
11 on whether immobilization should be retained as an
12 alternative in the draft EIS."

13 And there are several hundred pages of
14 transcripts. I believe the NRC held a comment period
15 and took written comments and has said -- in the draft
16 EIS has announced that, based on this notice and
17 comment exchange, the NRC has decided not to include
18 immobilization.

19 So we believe it's appropriate to raise
20 this contention now in the aftermath of that process.
21 This is based on new information that the NRC itself
22 solicited, an independent determination by the NRC.

23 JUDGE MOORE: Accepting that for the sake
24 of argument, why does that preclude the staff from
25 concluding that they need not go forward because the

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1 old -- the DOE EIS that dealt with immobilization is,
2 in fact, all that needs to be said on the matter?

3 MS. CURRAN: The pattern that we see in
4 the way the environmental impacts are tiered, is that
5 there's a preservation of an issue.

6 You may refer back to other EISes and say
7 that well, this is an alternative that we've
8 considered and briefly summarize it and say, "Refer
9 back to another document." But that's not the case
10 here.

11 Immobilization has been completely dropped
12 and as discussed in the contention, the reasons are
13 economic reasons.

14 And we don't think that for an NRC
15 decision-making document on a long-term licensing
16 issue that will have effects for a long time that a
17 temporal issue like that, that has affected DOE's
18 short-term decision making should result in the total
19 abandonment of even mention of immobilization as a
20 valid and viable alternative.

21 We think it's the essential purpose of
22 NEPA to keep on pointing out the alternatives and to
23 seriously consider them at each step. Circumstances
24 may change. Economic circumstances often change.

25 JUDGE KELBER: Ms. Curran, this is Judge

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1 Kelber. Can you cite a section of NEPA which requires
2 that repetition?

3 MS. CURRAN: Well, I believe, I doubt that
4 it's stated specifically. If I were going to look
5 anywhere, I would look at the CAFLON [phonetic]
6 environmental quality regulations, but I would think
7 that this business of tiering, where one agency either
8 relies on other agency EISes or its own previous EISes
9 requires enough information so that the reader knows,
10 first of all, knows where to look to see the previous
11 analysis and has a general outline of what issues in
12 the previous analysis are incorporated by reference.
13 And that -- that's basic common sense as to how
14 tiering would work in a way that a person would follow
15 the train of thought for the agency.

16 JUDGE MOORE: Mr. Silverman, do you have
17 anything?

18 MR. SILVERMAN: Two points, Your Honor,
19 the first one, the fact that this is late is
20 demonstrated by the actions of GANE itself.

21 When DCS amended its environmental report
22 some months ago, GANE filed a number of proposed
23 contentions. Those contentions were ultimately ruled
24 to be not timely and none of them were admitted. But
25 proposed contention No. 15 was titled inadequate

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1 discussion of alternatives and the contention it
2 stated specifically and I'm quoting, "the
3 environmental report is inadequate because it does not
4 discuss the alternative of immobilization for the 6.4
5 tons of impure, weapons-grade plutonium which was
6 previously analyzed to be preferred for immobilization
7 and is now proposed to be manufactured into MOx."

8 To me, that is essentially, if not
9 exactly, the same contention and now it's being
10 brought up again for at least the second time in the
11 context of the DEIS.

12 And secondly, the legal standard here is
13 set forth in 10 CRF 2.714, and that is whether the
14 DEIS contains any data or conclusion that differs
15 significantly from those in the environmental report.
16 And while -- [inaudible] public comment and held some
17 public meetings, in fact, on this particular issue
18 [inaudible] from those in the amended ER.

19 JUDGE MOORE: Your first point, Mr.
20 Silverman, is that this contention is nothing more
21 than an attempt at a second bite at the apple for
22 contention that was previously barred because of its
23 own timeliness.

24 MR. SILVERMAN: Judge, you might even have
25 read my notes. I had that phrase in my notes. I

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1 agree completely.

2 JUDGE MOORE: Mr. Hull?

3 MR. HULL: Ms. Bray will speak for the
4 staff on contention 20, Your Honor.

5 MS. BRAY: Your Honor, Cassie Bray. I
6 only have two points. First, GANE argues the NRC
7 needs to analyze the immobilization alternative for
8 the sake of future decision makers, but the NRC only
9 needs to analyze reasonable alternatives under NEPA.
10 The immobilization alternative is not currently a
11 reasonable alternative. There is no expectation that
12 the NRC should analyze unreasonable alternatives in
13 anticipation of the possibility that the alternative
14 may one day be reasonable and ultimately implemented.

15 If circumstances change in the future, the
16 NRC then may have to supplement its analysis, but it
17 is under no obligation or requirement to do that
18 analysis right now, particularly because DOE has
19 already done the analysis and the NRC -- we are off of
20 it.

21 My second point is that GANE argues the
22 staff's solicitation of public comments constitutes
23 new and significant data and conclusions. Yet GANE
24 has no indication that that information changed the
25 analysis or the data and conclusions in the draft

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1 environmental impact statement so it is insufficient
2 to justify inclusion of the late filed contention.

3 That's all I have, Your Honor.

4 JUDGE MOORE: Ms. Curran, what is your
5 response to Mr. Silverman's point that this contention
6 is essentially identical to the one that we barred for
7 untimeliness some many months ago.

8 MS. CURRAN: I think it might have been a
9 good argument had the NRC not set about independently
10 to make a determination of whether immobilization
11 should be included. That, the NRC did totally
12 separate from simply reviewing and adopting the
13 environmental report.

14 JUDGE MOORE: Ms. Curran, the problem I
15 have with your argument is they then came to the
16 conclusion that what had been said before was right on
17 the mark, so they needed no further analysis.

18 MS. CURRAN: But they --

19 JUDGE MOORE: That puts you at square one,
20 doesn't it?

21 MS. CURRAN: I don't think so because they
22 took many comments and they analyzed them and they
23 made a determination. There is nothing here that
24 would change our mind, but that was an analysis of
25 data that was not in the environmental report and it

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1 was solicited particularly by the NRC -- one commentor
2 even said, "What assurance do we have that if we spend
3 a lot of time talking about this, you're going to take
4 it seriously?" That had to mean something to go out
5 and say to the public, "We want to know what you think
6 and we're going to make an independent determination."

7 JUDGE KELBER: Isn't that just another way
8 of saying, "Show us where we're wrong," and they
9 concluded they were wrong? But they were right the
10 first time.

11 MS. CURRAN: But they --

12 JUDGE KELBER: The analysis didn't change.

13 MS. CURRAN: But it was renewed. It was
14 done again.

15 JUDGE MOORE: Okay, Mr. Silverman, how do
16 you respond to that?

17 MR. SILVERMAN: My response to that is
18 it's completely irrelevant to the legal standard set

1 lateness issue.

2 MR. SILVERMAN: Yes:

3 MS. CURRAN: That was the lateness issue.

4 MR. SILVERMAN: That was the lateness
5 issue.

6 JUDGE MOORE: All right. Do any of you
7 have anything further?

8 MS. CURRAN: I would just like to point
9 out there's something like 400 pages of transcripts
10 from three separate meetings that the NRC held in
11 September of 2002.

12 The NRC also took written comments from
13 the public. The NRC went to extraordinary lengths,
14 put out a Federal Register notice, went down to
15 Georgia and South Carolina and took comments from the
16 public, engaged with the public about this, made its
17 own determination independently of what was in the
18 environmental report. It seems to us that that is new
19 data. The comments that they got from the public,
20 including comments immobilization should be included
21 as an alternative here.

22 JUDGE LAM: Ms. Curran, this is Judge Lam.
23 I just heard earlier from Ms. Cassie Bray from the
24 Staff indicating that the immobilization alternative
25 is no longer a reasonable alternative.

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1 How would you respond to that, despite the
2 400 pages of transcript that you just talked about?

3 MS. CURRAN: If you look at the DOE
4 decision documents that are discussed in the
5 contention, the DOE decided that it didn't have enough
6 money to pursue both immobilization and MOx. And in
7 light of that problem it was going to pursue MOx.

8 Now that to us is a temporal problem.
9 That is not something that ultimately spells a death
10 knell for immobilization. It means at the moment
11 there isn't enough money to do both and the licensing
12 decision is not upon the NRC yet for whether the MOx
13 facility should be licensed.

14 The purpose of NEPA is that all along the
15 way, whoever is responsible for making a big decision
16 that affects the human environment ought to have all
17 the relevant information and because DOE has decided
18 there isn't enough money right now to pursue
19 immobilization, this has become a reason in the NRC's
20 eyes to completely drop consideration of
21 immobilization.

22 We don't think that's appropriate and I
23 disagree with Ms. Bray's argument that immobilization
24 has become unreasonable or speculative because of
25 that. To us, that doesn't seem to be a factor that

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1 should make an alternative remote.

2 JUDGE KELBER: This is Judge Kelber. Ms.
3 Curran, going back a few sentences, you refer to the
4 many pages of transcript as being new data.

5 Now as I understand it, the new data are
6 those in the ER or the amended ER. These transcripts
7 are not part of the ER, are they?

8 MS. CURRAN: No, they're not.

9 JUDGE MOORE: Okay. Does anyone have
10 anything further?

11 That being the case, let's take up another
12 matter briefly. On Friday last, DCS filed a Motion
13 for Summary Disposition on two contentions, GANE
14 contention 1 and GANE contention 2.

15 Ms. Curran, are you going to file a
16 response in accordance with the time and the
17 regulations or may we expect a motion for an extension
18 of time on that?

19 MS. CURRAN: At the moment, I'm planning
20 to file by the 29th.

21 JUDGE MOORE: Okay. Please be advised
22 that if you do seek additional time, give us at least
23 three business days, have it in our hands three
24 business days before your time extension as per my
25 earlier order in this case.

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1 MS. CURRAN: Okay.

2 JUDGE MOORE: The Board would like to put
3 you all on mute for one moment and then we'll come
4 right back to you.

5 (Off the record.)

6 JUDGE MOORE: Okay. We're back on. This
7 is Judge Moore. I thank the parties for waiting. The
8 Board has determined that in its view none of the
9 contentions, that is contention, late filed contention
10 18A and B and late filed contention 20 are admissible;
11 late filed contention 19 has been withdrawn.

12 The Board will issue a memorandum and
13 order to that effect, subsequently, but frankly it's
14 going to be in due course. The schedules of the Board
15 are such that it may be some time before you see that
16 order, but we see no reason not to give you the bottom
17 line because we don't see any of these contentions as
18 admissible.

19 We will await Ms. Curran's response to the
20 Motion for Summary Disposition and the staff response
21 and then if there are going to be any replies, the
22 Applicant will need to seek permission to do that.

23 MR. SILVERMAN: Your Honor, this is Don
24 Silverman. One question about the timing for the
25 answers to the Summary Disposition Motion?

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1 JUDGE MOORE: Yes.

2 MR. SILVERMAN: We filed that motion and
3 hand delivered that to the Intervenors on the 9th and
4 I may be mistaken and I apologize if I am --

5 JUDGE MOORE: Is that a 10-day time
6 period?

7 MR. SILVERMAN: That's what my
8 understanding was.

9 MS. CURRAN: I thought summary judgment
10 was 20 days? I'll look.

11 JUDGE MOORE: I have the regulations and
12 in one moment I'll give you an answer.

13 (Pause.)

14 It's 10 days.

15 MS. CURRAN: Oh, all right. Well, I will
16 be asking for an extension.

17 JUDGE MOORE: I kind of thought you might
18 be.

19 If you would do that within that three
20 business days --

21 MS. CURRAN: Judge Moore, could I
22 interrupt for a minute? 2.749, that's the one I'm
23 reading.

24 "Any other party may serve an answer,
25 supporting or opposing the motion within 20 days."

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1 Isn't that me?

2 JUDGE MOORE: Wait, what are you reading,
3 Ms. Curran? 2.7 what?

4 MS. CURRAN: 49. Maybe I've got that
5 wrong.

6 MR. SILVERMAN: No.

7 JUDGE MOORE: You may be correct. I was
8 looking at motions, not summary dispositions. You may
9 be absolutely correct.

10 MR. SILVERMAN: I agree, Your Honor. Ms.
11 Curran, you are correct.

12 I was hunting for that.

13 MS. CURRAN: Okay.

14 JUDGE MOORE: But if you do seek an
15 extension of that deadline, Ms. Curran, please follow
16 the three business days.

17 MS. CURRAN: I certainly will.

18 MR. HULL: Your Honor, John Hull for the
19 staff. I assume that in accordance with previous
20 orders in this proceeding you would also expect the
21 staff response to be filed at the same time GANE's
22 response is?

23 JUDGE MOORE: I don't have either by that
24 previous order or take the time to read 2.749, but is
25 the staff given an additional time period under the

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1 regs, Mr. Hull?

2 MR. HULL: I think it is, Your Honor, but
3 I seem to recall it maybe was the Commission's initial
4 referral order --

5 JUDGE MOORE: Which means you would be
6 filing simultaneously?

7 MR. HULL: It encourages simultaneous
8 filing.

9 JUDGE MOORE: Without having those in
10 front of me, it's hard to give you a definitive
11 answer, but if Ms. Curran is going to file on the
12 20th, the staff is certainly free to do that.

13 I will be out of town for the first two
14 weeks of June and I know my colleagues' schedules are
15 equally tied up at that time, so there's no reason
16 from the Board's standpoint that you not take the
17 additional time, if you want it, Mr. Hull.

18 MR. HULL: Okay, thank you, Your Honor.

19 JUDGE MOORE: But Mr. Silverman,
20 recognizing that we'll be out of town during that
21 period, if you're going to reply, as I'm sure you wish
22 to do and seek permission to do it, I guess the thing
23 to do now is to give you -- we'll grant you permission
24 to reply.

25 MR. SILVERMAN: That will be great.

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1 JUDGE MOORE: We will not be in a position
2 to deal with it in a timely fashion otherwise.

3 MR. SILVERMAN: Your Honor, can you tell
4 me again what your schedule was? I apologize. I
5 missed that.

6 JUDGE MOORE: I will out of time through
7 the 17th of June, starting with Memorial Day.

8 MR. SILVERMAN: So will you be issuing an
9 order with schedules for us all on this?

10 JUDGE MOORE: I will go ahead and do that.
11 And I will grant you an opportunity to reply. Is five
12 or seven days sufficient?

13 MR. SILVERMAN: Yes, seven would be great.

14 MS. CURRAN: Judge Moore?

15 JUDGE MOORE: Yes.

16 MS. CURRAN: This is Diane Curran. I am
17 considering asking for an extension of the time for us
18 to prepare our responses.

19 JUDGE MOORE: Okay, here's what we're
20 going to do. Will the parties please get together and
21 present the Board by no later than a week from today
22 which is the 20th proposed scheduled for dealing with
23 this.

24 MS. CURRAN: Great.

25 JUDGE MOORE: On each of the filings and

1 the Board will act on it immediately then.

2 MS. CURRAN: Okay.

3 JUDGE MOORE: Is that fine with all
4 parties?

5 MR. SILVERMAN: Fine with the applicant?

6 JUDGE MOORE: Staff? Then if there's
7 nothing else, we'll conclude this.

8 Hearing nothing else, I thank you and if
9 you'd get that into us by next Tuesday on a proposed
10 schedule, we'll deal with it immediately.

11 Thank you very much.

12 (Whereupon, at 11:00 a.m., the meeting was
13 concluded.)

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C E R T I F I C A T E

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

Name of Proceeding: Duke Cogema Stone & Webster
(Savannah River Fuel Fabrication Facility)

Docket Number: 70-3098-ML

Place of Proceeding: (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.

Lisa Firestone

Lisa Firestone
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