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Pre-Hearing Conference

Docket Number: 50-271-OLA; ASLBP No. 04-832-02-OLA

Location: (telephone conference)

Date: Tuesday, June 20, 2006

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

+ + + + +

PRE-HEARING CONFERENCE

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In the Matter of: ||
ENTERGY NUCLEAR VERMONT || ASLBP No. 04-832-02-OLA
YANKEE L.L.C., ENTERGY ||
NUCLEAR OPERATIONS, INC. || Docket No. 50-271-OLA
Applicant. ||

Tuesday,
June 20, 2006

The above-entitled conference was
convened, pursuant to notice, at 11:00 a.m.

BEFORE:

ALEX S. KARLIN, Administrative Law Judge
ANTHONY J. BARATTA, Administrative Law Judge
LESTER S. RUBENSTEIN, Administrative Law Judge

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ALSO PRESENT:

JONATHAN M. RUND, ESQ., ASLBP Law Clerk

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P R O C E E D I N G S

1
2 JUDGE KARLIN: [in progress] here, with me
3 in Rockville, and I'll let Judge Rubenstein introduce
4 himself, and then ask the parties to go around the
5 table to introduce themselves. But just before I do,
6 I need to reflect that this is Docket No. 50-271-OLA,
7 ASLBP No. 04-832-02-OLA, and we're convening on this
8 June 20th, 2006, pursuant to the revised scheduling
9 order issued in this case.

10 With that, here, in the room in Rockville,
11 at NRC headquarters, we have Judge Baratta, Jonathan
12 Rund and Marsha Carpentier, our law clerks and
13 lawyers. Karen Valloch is with us but she just
14 stepped out of the room, our administrative assistant.

15 Dr. Rubenstein, Judge Rubenstein, you're
16 out there in Tucson, I suspect, today.

17 JUDGE RUBENSTEIN: No. I'm in Las Vegas.

18 JUDGE KARLIN: Oh, that's right; that's
19 right.

20 JUDGE RUBENSTEIN: But this afternoon in
21 Tucson.

22 JUDGE KARLIN: Very good. All right.

23 And then with that, if we could do the
24 regular thing. Perhaps ENTERGY could introduce itself
25 first on the record.

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1 MR. SILBERG: Good morning. It's Jay
2 Silberg from Pillsbury Winthrop Shaw Pittman, and Matt
3 Diaz representing ENTERGY. Also on the phone, from
4 the Vermont Yankee nuclear plant, is the project
5 manager for power uprate, Craig Nichols.

6 JUDGE KARLIN: Good morning; good morning.
7 Let's see. NEC. Nuclear Energy Coalition. Mr.
8 Shadis.

9 MR. SHADIS: And it's New England
10 Coalition, Your Honor. This is Raymond Shadis, pro se
11 representative.

12 JUDGE KARLIN: All right. Sorry for the--
13 all right. Very good, Mr. Shadis. And Mr. Turk,
14 you're representing the staff, I guess.

15 MR. TURK: Good morning, Your Honor.
16 Sherwin Turk for NRC staff. Steven Hamrick may be
17 joining us later, but he's not in the room at present.

18 JUDGE KARLIN: Okay; great. And Mr.
19 Nichols, I guess we've introduced for ENTERGY, is on
20 the line somewhere.

21 Then let us proceed. Well, I'll ask, Is
22 anyone else on the line?

23 MR. McINTIRE: Yes. David McIntire from
24 NRP Public Affairs.

25 JUDGE KARLIN: Anyone else?

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1 All right. Fine.

2 As we've said before, the basic ground
3 rules are such that the litigants and parties may
4 participate. The public and press, media, are welcome
5 to listen in as if this was in a courtroom but not to
6 speak or participate. We have a court reporter that
7 will transcribe the session, and if the parties could
8 all try to identify themselves when they begin
9 speaking, it would be helpful for the court reporter
10 purposes.

11 I think this will be hopefully a
12 relatively short call. The purpose is simply to have
13 sort of a monthly status report as we approach the
14 evidentiary hearing, and do those things that are
15 needed to prepare for it. The evidentiary hearing is
16 now set for the week of September 11th.

17 As usual, I have a couple of topics I
18 think we ought to cover, briefly, and then I'll ask if
19 there's anything else that's urgently needed to be
20 discussed, the topics being, one, the June 26th
21 limited appearance statement sessions that are coming
22 up next week. Two, the question of whether or not
23 supplemental rebuttal is going to be requested or
24 needed by anyone, given that there was some
25 supplemental direct recently filed yesterday.

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1 And third is just to talk very briefly
2 about motions in limine which will be the subject of
3 some filings between now and the next conference call
4 we have on July 18th.

5 We're not going to discuss the NEC
6 contention that's still pending, the new or amended
7 contention that they've filed. We're not going to,
8 you know, discuss that. But a ruling will be coming
9 on that in the near term.

10 Given that, is there anything else that's
11 urgently needed to add to the agenda?

12 MR. SILBERG: One question that I--I have
13 two questions that I wanted to ask, and this is
14 Silberg. We did not receive any documents or
15 identification of documents from the Coalition. We
16 did from the NRC staff and of course we filed
17 yesterday.

18 And I just wanted to confirm that the
19 Coalition was not filing any identification of
20 documents.

21 JUDGE KARLIN: Okay. We can get to that
22 in the supplemental rebuttal discussion but that's--

23 MR. SILBERG: Okay, and the other is
24 whether we could talk about the hearing itself. We
25 have two scheduled, one on September 1 and October,

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1 and I don't know if the board is in a position to
2 focus in on how we plan to handle that in light of the
3 fact that we're now dealing with [inaudible].

4 JUDGE KARLIN: Okay. It seems like we
5 could talk briefly about that at the end.

6 All right. Anything else?

7 MR. SHADIS: Yes, Your Honor. This is Ray
8 Shadis. We've received several inquiries from
9 citizenry in the Vermont Yankee area with respect to
10 the limited oral appearances, and the questions
11 generally focus on the scope of those comments, as to
12 what would be permitted in terms of general scope of
13 comment.

14 JUDGE KARLIN: Okay. Well, I think that's
15 a good point and we'll talk about that, and when we
16 talk about the limited appearance statements.

17 MR. SHADIS: Thank you.

18 JUDGE KARLIN: Okay. All right. With
19 that, let's proceed with discussing the June 26th,
20 27th limited appearance statements. We've covered
21 this ground before and we urge you, to the extent you
22 have any contact or influence with other stakeholders,
23 to, you know, to remind them, and your constituents of
24 the nature and scope of what the limited appearance
25 session is all about.

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1 We tried to articulate that pretty
2 carefully in the April 10th notice that appeared in
3 the Federal Register, I believe on April 14th, and I
4 would urge you to take a look at that and perhaps to
5 the extent anyone has questions, they remind you.
6 Specifically, Mr. Shadis, we tried to, in that notice,
7 say, look, as everyone knows, as everyone at the table
8 here today realizes, the scope of what this board is
9 charged with doing, and our authority and
10 responsibility, is dealing with the contentions
11 presented to us, properly, in this matter, and those
12 now are the two contentions presented by NEC.

13 So strictly speaking, that is the scope
14 and limit of our authority. I know that might
15 frustrate some people who feel that perhaps the
16 holistic approach should be taken but we are a board
17 with a specific charge and authority and
18 responsibility.

19 So we've asked and urged people to limit
20 their comments to those issues, the two contentions,
21 and how we might address them, and if there's
22 something they think is important. And we said that
23 in the April 14th Federal Register, although at that
24 point there were four contentions. I'll try to give
25 an introductory presentation when we begin next week,

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1 on next Monday evening, but if and when someone
2 wanders off a little bit beyond the two contentions,
3 and question, Are we going to get a hook and pull them
4 off from a microphone? I suspect not. We probably
5 will have to tolerate, and some leeway given, that a
6 lot of people just simply won't understand the
7 narrowness, and if they stay within their five
8 minutes, you know, we'll probably not have a huge
9 problem with that.

10 I would like them, and will ask them to
11 keep on the topic of the contentions in question.

12 Does that help you, Mr. Shadis?

13 MR. SHADIS: Thank you, Your Honor, it
14 does, and this is not to be at all argumentive, but I
15 do wish to point out that other than filing as
16 interveners, petitions for relief to intervene, the
17 affected citizenry have not had no opportunity to
18 address the board on uprate issues generally, and I'm
19 speaking with respect to those issues that might
20 affect public health and safety, that could be
21 categorized as uprate-related issues.

22 And so, you know, I guess I'm asking if
23 the board would consider hearing those kinds of
24 issues.

25 JUDGE KARLIN: Well, I think I'll try to

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1 answer the question, which is don't have authority or
2 ability to address anything other than the contentions
3 that have been properly before us or probably before
4 us. So I mean that's what we've got. If someone
5 comes and starts talking about Yucca Mountain or
6 something like that, global warming, or, you know, it
7 might be better said somewhere else, and perhaps other
8 people who have got something to say that's on point
9 should have a higher priority.

10 But, again, are we going to get the guards
11 to take someone out of the room? Probably not. If
12 we've got enough time, you know, and someone starts to
13 wander a little bit, we're not going to be too
14 concerned about that. You know, as long as people are
15 within their five minute limit.

16 And we're going to try to take people in
17 the order that they sign up, and we have a number of
18 written limited appearance statements that have been
19 filed, and ever since October of 04, when we invited
20 limited appearance statements to be filed in writing.

21 So we're really not going to be enthused
22 about someone going totally off topic, or something
23 else. We also recognize and we will acknowledge that
24 there is a separate board, as you of course know,
25 that's dealing with the renewal, and I think that will

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1 be a source of frustration to people, perhaps, that
2 there's two separate boards, two different matters.

3 If they talk about renewal, are we going
4 to get a hook and pull people off the mike? Probably
5 not. But it's not on topic, not particularly, not
6 relevant at all to what this board is going to have to
7 do.

8 MR. SHADIS: Thank you, Your Honor. This
9 is Ray Shadis again and I'd asked the board to
10 consider giving some instruction at the beginning of
11 these sessions, as you have in the past, but I believe
12 it's particularly important, given the experience of
13 the license renewal team, and panel in taking
14 statements. What we had were a series of proceeding
15 and anti-nuclear speeches, which, you know, really
16 didn't lend anything to the record, and so I'd ask the
17 board to consider advising people, in advance, that,
18 you know, that--I don't want to put words in your
19 mouth--but, in essence, this is not a debate about
20 nuclear power, pro or con.

21 JUDGE KARLIN: Okay. We will do that, and
22 further we'll point out that this is a time for the
23 board to listen, not for, to answer questions and that
24 sort of thing. So we'll try to give some instructions
25 at the outset, next week, and I appreciate your help

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1 and concern, and if you can, if possible, inform any
2 stakeholders or constituents who might talk with you,
3 that, you know, we are really focusing on the
4 contentions, and people now are like that, but that is
5 really what we have to do here.

6 Now if they could respect that, that would
7 be great, but we're going to try to be somewhat
8 tolerant, you know, on the matter.

9 Okay. Next.

10 Are there any other questions on the
11 limited appearance statement?

12 Does anyone else want to say anything?
13 Judge Baratta, or Rubenstein?

14 JUDGE: No comment.

15 JUDGE KARLIN: Okay. Then I think we can
16 go to what I would call the rebuttal, supplemental
17 rebuttal question. We've had the direct testimony and
18 positions filed. We've had the rebuttal testimony and
19 positions filed. Meanwhile, on June 5th, this board
20 indicated to the parties, all parties, really, that we
21 want to see any documents that are being relied upon
22 by them, or by their witnesses, and we asked people,
23 instructed people to submit what we call supplemental
24 direct on June 19th, yesterday.

25 As far as I can tell, we've got something

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1 from the staff and something from ENTERGY,
2 supplemental direct. Mr. Shadis, did you file
3 anything?

4 MR. SHADIS: No, sir.

5 JUDGE KARLIN: Okay. So I think that
6 answers Mr. Silberg's question. That you just chose
7 not to file anything then.

8 The next question that I really have, and
9 I think we've posed it in the order of June 5th, was
10 in light of this supplemental direct, do the parties
11 need an opportunity or seek an opportunity to file
12 supplemental rebuttal, i.e., to rebut or respond? If
13 you think so, to whatever was submitted as
14 supplemental direct yesterday?

15 Mr. Turk, do you have any near concern for
16 that?

17 MR. TURK: No, Your Honor, we do not.

18 JUDGE KARLIN: All right.

19 Mr. Shadis, what's your disposition?

20 MR. SHADIS: We have no supplemental
21 rebuttal to file. However, we do have a concern for
22 the reliance on proprietary information and my intent
23 is to ask the board, in a letter, to review those
24 documents that have been submitted as proprietary, to
25 determine whether or not that can be some redacted

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1 version of them provided.

2 JUDGE KARLIN: Well, as we indicated in
3 our order, if they're proprietary, then redacted
4 versions of the proprietary need to be made available.

5 MR. SHADIS: Thank you.

6 JUDGE KARLIN: I think we already covered
7 that in--

8 MR. SHADIS: Okay.

9 JUDGE KARLIN: --the order of June 5th.
10 I think that's empirically true. Well, asterisks on
11 that. If you and your witnesses had signed the, you
12 know, confidentiality agreement, non-disclosure
13 agreement, it'd probably be moot, but since it's not
14 possible to do so, I think anything that is being
15 submitted as direct or rebuttal, that is proprietary,
16 the submitter needs also to provide a redacted
17 version, as I think we laid out in the June 5th order,
18 so that you can participate to the greatest extent
19 possible on that.

20 MR. SILBERG: Mr. Chairman, if I might,
21 this is Jay Silberg.

22 JUDGE KARLIN: Yes, Mr. Silberg.

23 MR. SILBERG: As you'll see from our
24 filing that was provided yesterday, we have provided
25 proprietary and non-proprietary versions to the extent

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1 that they were readily available. In the case where
2 documents were not readily available in non-
3 proprietary form, we prepared non-proprietary
4 summaries of the proprietary documents. There are
5 some documents, and we will identify them in our
6 filings, for which non-proprietary versions do not
7 currently exist. They were never required and they
8 have never been prepared.

9 We have asked--and these are primarily
10 General Electric documents--we have asked General
11 Electric whether they could be prepared, and, if so,
12 how difficult a job that would be.

13 We were given the answer that it would
14 take 15 man-weeks of efforts to prepare non-
15 proprietary or redacted versions of the documents for
16 which non-proprietary versions are not already
17 available.

18 And in light of that, and the fact that
19 there is a readily available method that the Coalition
20 has opted not to avail itself of, we don't believe
21 that it is appropriate or proper to require us to
22 spend that significant effort to generate new
23 documents, where these are documents that were not
24 directly relied on in our testimony.

25 And therefore, while we have gone out of

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1 our way to provide existing redacted versions, and in
2 fact prepare non-proprietary summaries of documents
3 that were not in redacted form, it would be a
4 significant imposition, financial and resource, to
5 require us at this point to generate new documents for
6 the ones where non-proprietary ones do not now exist.

7 JUDGE KARLIN: Okay.

8 MR. SHADIS: May I reply, Your Honor.
9 This is Raymond Shadis.

10 JUDGE KARLIN: Yes, Mr. Shadis. Go ahead.

11 MR. SHADIS: Thank you, sir.

12 The window for which there was any
13 question at all about New England Coalition opting to
14 sign a protective agreement was very short. The
15 proprietary agreement, the form was provided--an order
16 was provided very early on in this proceeding, and so
17 for better than a year, at the least, ENTERGY has been
18 able to understand, I think, that we would not be
19 signing proprietary agreements, and I recognize the
20 burden, but it is not a new burden.

21 We had, in a brief spate of a few weeks,
22 in which I consulted with our witnesses, and the
23 decision was made that we would not.

24 JUDGE KARLIN: Okay. I really don't think
25 we want to sort of--we have motions in limine coming

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1 up, you know, where any side can file a motion
2 objecting to particular issues related to the
3 evidence, or, you know, proprietary, or, you know,
4 this sort of thing, and so I think that's probably the
5 best vehicle for each of you to assert your positions,
6 and it may be possible for you, Mr. Shadis, to read
7 the non-proprietary material that's been submitted and
8 see if you find that satisfactory or not.

9 If you do not, then you can file a motion
10 in limine, and, you know, explain as you are
11 explaining now, what you think is the history, or your
12 assessment of the situation, and then we can have it
13 briefed and then we can deal with it in a proper way.

14 So I think that's the way we're going to
15 handle this. I do think, however, that the motions in
16 limine are due on the 26th. They are due on the
17 initial and rebuttal testimony that has been filed.
18 The rebuttal testimony being filed on the 14th.

19 This supplemental direct was just filed
20 yesterday. Therefore, we may need to grant anyone who
21 has got an objection to the supplemental direct a
22 little bit of additional time within which to file
23 those motions in limine.

24 So maybe we should set a date more--let me
25 pull a calendar out--but five additional days, let's

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1 see what that does to us. The 26th. Well, that's
2 Friday, the 30th. We're going to be up there. I
3 would say, Mr. Shadis, and anyone else--let's see.

4 MR. : [inaudible]. 5th of July.

5 JUDGE KARLIN: 5th of July. I think the
6 5th of July, we're saying motions in limine with
7 regard to the supplemental direct. We have now heard
8 that no one plans to file any supplemental rebuttal
9 but if there are motions objecting to any part of the
10 supplemental direct, we will need to see them and have
11 them filed by July 5th, and then answers to those
12 should be filed by, let's say, July 12th. This will
13 therefore have information filed by our next pre-
14 hearing conference call on July 18th.

15 MR. SILBERG: And our--this is Mr.
16 Silberg. Our position on that is that we would--if
17 Mr. Shadis, on behalf of the Coalition, files a motion
18 with respect to the proprietary information, we would
19 respond.

20 JUDGE KARLIN: Yes; yes. We would expect
21 you to file an answer to the motions in limine, and
22 responding, accordingly.

23 MR. SILBERG: As opposed to our filing
24 something--

25 JUDGE KARLIN: From ab inicio. You have

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1 nothing to file on that point, I would suspect.

2 MR. SILBERG: Correct. I just want to
3 make sure that was understood by everybody.

4 JUDGE KARLIN: Right. Now I think that
5 covers--oh, on the motions in limine, more generally,
6 if we could talk about that.

7 I would say that obviously the strict
8 rules of evidence don't apply to these kinds of
9 proceedings. New point 319.D [inaudible]. I would
10 commend you to [inaudible] in the statement of
11 consideration in the 2004 regs. You know, we don't use
12 the Federal Rules of Evidence, strictly apply,
13 although they are guidance, and given the nature of
14 this proceeding and the nature of this expert board,
15 I would just urge you to exercise constraint, if you
16 would, with regard to filing motions in limine.

17 We will probably take what we receive for
18 what it's worth and we are competent, I think, to be
19 able to do that. So please, you don't need--you know,
20 you can object to whatever you want, file a motion in
21 limine to whatever you want, but we would urge some
22 restraint in that, if you could consider it.

23 MR. SILBERG: Well, again, I don't
24 remember if we put that on the record, but we don't
25 intend to file any motions in limine at this point.

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1 JUDGE KARLIN: Okay. Well, that's great.
2 I think that would be useful and whatever.

3 MR. SHADIS: This is Ray Shadis again.
4 Excuse me, Your Honor. Was that Mr. Silberg?

5 MR. SILBERG: Yes. I'm sorry.

6 MR. SHADIS: Thank you.

7 JUDGE KARLIN: Thank you. Okay. On
8 motions in limine, obviously between now and the next
9 conference call we will have them filed, and we'll
10 want to look at them, if there's any. There may not
11 be any.

12 Note also, what I need to grapple with,
13 and I'm not sure, I haven't studied this carefully,
14 that the submissions by the parties will need to be,
15 you know, sworn statements or affidavits by the
16 witnesses. If we don't already have that, we need
17 that because that will be--you know, that's their
18 testimony and we're not going to, may not have them
19 come in and hold their hand up and swear to the truth
20 of the material.

21 So if you haven't already done so, I think
22 you need to think about putting together an affidavit
23 or a sworn statement to support the testimony, and the
24 exhibits but presented here as part of the record.

25 MR. TURK: Chairman, this is Sherwin Turk,

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1 may I ask you a question about the documents that we
2 just filed yesterday. The board had asked for us to
3 produce documents that were either referred to and
4 material to the testimony, or relied upon in the
5 testimony.

6 JUDGE KARLIN: Yes.

7 MR. TURK: It wasn't our intention to
8 [inaudible] all these exhibits. We were really
9 providing information that the board was interested in
10 seeing.

11 JUDGE KARLIN: Yes.

12 MR. TURK: But the way I understand your
13 comments today, I understand that you want all of
14 these to become exhibits in the proceedings?

15 JUDGE KARLIN: No; no. I think probably
16 not. I think you put in what you think you want as
17 exhibits in the proceeding. We wanted to have access
18 to the documents relied upon, in part, because if we
19 want to conduct cross examination, or based upon some
20 of that material, or understand what someone is
21 testifying to, and ask them--it's not cross, I guess
22 it's direct examination by the board--we want to have
23 access to those.

24 MR. TURK: That's good, because some of
25 the documents that we list are actually documents that

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1 the Applicant had already provided in support of its
2 previous motion for summary disposition, such as the
3 Vermont discharge permit. So that's a document that
4 we rely upon, and it sets out what is the ph, or the
5 water chemistry restriction. It's not our document,
6 and we wouldn't put out an affidavit saying that, you
7 know, we vouch for the accuracy of it. But it's a
8 document that we do accept.

9 JUDGE KARLIN: Okay. I understand that.
10 I guess what I would say is your direct testimony and
11 your rebuttal testimony are documents I expect you
12 intend to be in the record. This supplemental
13 material is, unless you want to say so, would not be
14 exhibits in the record, unless we choose to start
15 asking questions about it and then see if it should be
16 in the record.

17 MR. TURK: All right. I guess what we'll
18 do then is we'll go through the list and provide you
19 with a list of the evidence that we do intend to
20 proffer, and it would come from the list of documents
21 that we provided you yesterday.

22 JUDGE KARLIN: Yes. I think that would be
23 a good idea. I appreciate that suggestion and I would
24 ask ENTERGY to do the same thing, if you would, Mr.
25 Silberg.

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1 MR. SILBERG: Certainly. We have, in our
2 original testimony, and rebuttal testimony, which was
3 accompanied by affidavits, identified, and, in fact,
4 attached the documents that we were planning to rely
5 on. Having provided additional documents, we will
6 take a look and see whether, in light of the board's
7 interest, you know, we want to make some of those
8 other documents exhibits as well.

9 JUDGE KARLIN: Okay. That would be good.
10 Thank you for that.

11 Let's see. Moving on, I think we've
12 covered the subjects for the agenda. We passed out
13 two. One with regard to the you need to be thinking
14 about submitting proposed direct examination
15 questions, and if you choose to ask for, or file a
16 motion for cross examination, that's also coming up in
17 the next month or so.

18 I just would remind you that, as it says,
19 the direct quote clearly says, you don't need to file
20 those questions with the opposing parties. You can,
21 but normally, you would just file it with the board
22 and we would keep it confidential until the proceeding
23 was essentially completed, and then it would be made
24 public.

25 MR. SILBERG: I believe that date was

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1 either August 4th or 14th.

2 JUDGE KARLIN: Yes. August 4th is the
3 date for the questions and motions for cross
4 examination.

5 MR. SILBERG: Fine; fine.

6 JUDGE KARLIN: So that's coming up in
7 about a month and a half, I guess.

8 Finally, if we could, well, before
9 closing, I would like to ask a question, if my
10 colleagues on this board will bear with me, that deals
11 with the parallel hearing on Yankee renewal, just a
12 factual question regarding the caption. And maybe Mr.
13 Silberg could help me with this.

14 In this case, the Applicant is known as
15 Nuclear Vermont Yankee L.L.C., and ENTERGY Nuclear
16 Operations, Inc.

17 In the other matter, the renewal, the
18 initial caption at least showed only one entity as the
19 Applicant. But upon looking at the application, it
20 appears to us that there really are two parties that
21 are named in the applications.

22 Is that correct, Mr. Silberg?

23 MR. SILBERG: Well, Vermont Yankee has two
24 licensees. One is licensed to operate the plant. The
25 other is licensed to own a plant. The initial

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1 caption, I guess I haven't seen, or I haven't paid
2 attention--the initial caption of the filings that we
3 made in the license renewal proceeding, to whether we
4 noted that both companies are Applicants. I suspect
5 we did. And it may well be that when the notice of
6 opportunity for hearing was published by the NRC, they
7 may have used a short form and only identified one of
8 the Applicants. Perhaps they used an "et al." I just
9 don't know.

10 But, technically, both companies are in
11 the caption because both are on the license.

12 JUDGE KARLIN: Right; right. Okay. I
13 think that's just a piece of information. You know,
14 we are going to--Mr. Shadis is on the line. I know
15 not everyone together, matter is on the line, and this
16 is not part of that proceeding, but in the future,
17 we're probably going to, you know, have both names on
18 the renewal as well because that is the most accurate
19 reflection of the status of the application.

20 MR. SILBERG: Okay, we will check, and if
21 there is some difference, we'll send a letter, and I
22 guess to the license renewal board, and inform them of
23 that. I don't have any of those pleadings.

24 JUDGE KARLIN: All right. That will be
25 good, and if you all could inform other counsel, and

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1 Mr. Shadis, your counsel, Mr. Shems, and I believe
2 Mitzi Young, Ms. Young on the staff, Mr. Turk, if you
3 could inform her. There'll be something coming out in
4 that other matter.

5 So, in any event, I just wanted to try to
6 find some information out and I appreciate the
7 patience of everyone else here, for that other matter.

8 With that, I think we're done.

9 MR. SILBERG: Oh, we have the one item
10 that I identified, and that's if we could talk about
11 which of the hearing weeks, how the board wants to
12 proceed with the two potential hearing weeks.

13 JUDGE KARLIN: Well, okay. I don't know
14 that we're prepared to talk much about that, Mr.
15 Silberg. We still have both weeks held, and I think
16 we need to keep both weeks in for the time-being.

17 I think by our next meeting, we will have
18 something weeded out, and maybe we can conclude that
19 we'll only need one of those weeks.

20 MR. SILBERG: My own perception, and this
21 is just mine, I really haven't vetted it fully with
22 everyone on our side, would be not to give up the
23 first week but to take the first week and hopefully
24 finish the hearing that first week. That should be
25 doable, with two issues.

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1 JUDGE KARLIN: Well, I think that's a
2 worthy suggestion, and, you know, we all want to move
3 this thing promptly forward, and that seems to be a
4 week that's available to everyone, and obviously is,
5 and so it may very well be that we don't need both
6 weeks. But I need to talk to my colleagues and we
7 need to figure that out a little bit.

8 But we are thinking about that and it's a
9 good point. So let's work on that next conference
10 call, which I guess will be July 18th.

11 With that, is there anything else that
12 urgently needed to be covered?

13 Okay. Thank you all for participating.
14 I think this was efficient and helpful to me, and, oh,
15 let me just conclude with saying I'm not sure we will
16 issue a supplemental order, we might, but we might
17 not. So everyone should take note that July 5th is
18 the date for filing motions in limine with regard to
19 the supplemental direct testimony that was filed on
20 June 19th and July 12th is the date for filing answers
21 to those motions in limine.

22 I think that's the only change we've had
23 to reflect here today.

24 With that, thank you for your
25 participation and we look forward to talking to you on

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1 our next conference call.

2 [Whereupon at 11:40 a.m., the pre-hearing
3 conference call 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: Entergy Nuclear Vermont
Yankee, LLC and Entergy
Nuclear Operations, Inc.
Pre-hearing Conference
Docket Number: 50-271-OLA and
ASLBP No.04-832-02-OLA
Location: teleconference

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.



Alex Patton
Official Reporter
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