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21                    Thomas Kenyon, NRC Staff

22                    James Wilson, NRC Staff

23                    Kathryn Winfberg, NRC Staff

24                    Chris Kerr, Project Manager, Exelon

25                    Jered Lindsay, Law Clerk to the Board

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

2 (8:35 A.M.)

3 JUDGE ABRAMSON: Okay, folks, this is Judge  
4 Abramson.

5 Court reporter, let's go on the record  
6 please.

7 This is Judge Abramson from the Atomic  
8 Safety and Licensing Board for Exelon, for the case  
9 known as the early site permit for Clinton ESP for  
10 Exelon Generation Company.

11 It's docket No. 52-007-ESP.

12 Here in Washington with me are Judge  
13 Baratta and Jered Lindsay, our law clerk. And on the  
14 phone with us is Judge Hetrick.

15 That's the panel and its team. Would you  
16 just please state for the record, counsel for the  
17 applicant, who do you have with you, just the names.

18 MR. FRANTZ: Yes. For Exelon we have Steve  
19 Frantz and Paul Bessette, plus the project manager,  
20 Chris Kerr.

21 JUDGE ABRAMSON: And for the staff.

22 MS. HODGDON: It's Ann Hodgdon, and I have  
23 with me Katherine Winsburg (phonetic) and Patrick  
24 Moulding and Tison Campbell, C-a-m-p-b-e-l-l, James  
25 Wilson and Thomas Kenyon.

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1 JUDGE ABRAMSON: Okay. Judge Abramson  
2 again.

3 Please announce your name when you speak  
4 so the court reporter can get proper records of who is  
5 doing what.

6 The purpose of this meeting is to respond  
7 to an inquiry we got from an applicant which I assume  
8 also is from the staff as to what's the format going  
9 to be for the mandatory hearing itself.

10 And we issued a ruling on August 2nd,  
11 laying out a tentative schedule which we hope to be  
12 able to meet. We asked the applicant to pursue trying  
13 to find some locations for these hearings, and perhaps  
14 now we should talk for a few moments what you have in  
15 mind covering in these hearings.

16 You will note from our tentative schedule  
17 that we have asked the parties to submit briefs on  
18 September 14th, regarding the required mandatory  
19 hearing finding, and the applicant has asked to submit  
20 briefs on the NEPA issues as well as the safety  
21 issues.

22 I will remind the parties that in this  
23 hearing we are sitting in the shoes of the Commission,  
24 examining the record of the proceedings and verifying  
25 that the staff vision was supported in logic and in

1 fact. From a lawyer's perspective what we're looking  
2 to see if whether you had a reasonable basis for your  
3 decision.

4 What we are interested in, therefore, in  
5 these briefs is that the parties lay out the facts  
6 that support their logic and a logical path to  
7 reaching the conclusions for the mandatory - the five  
8 mandatory decisions we must reach.

9 Now we recognize, the board recognizes,  
10 that there are a lot of safety issues described and a  
11 lot of NEPA issues described. I think what we would  
12 expect the parties to do is tend to the material  
13 issues, say the top 10 or 15 material issues, whatever  
14 you think it takes to cover the big points, and lay  
15 out the logic and the facts that support your logic.

16 That's what we expect in the briefs. What  
17 we expect in the prefiled testimony, direct testimony,  
18 which is due October 17, is that you would submit  
19 direct testimony from experts supporting the material  
20 that you submitted in the briefs.

21 And what we have in mind for the mandatory  
22 hearing is that we would do what exactly is prescribed  
23 by the Atomic Energy Act, and that is that we would  
24 conduct a public hearing on this topic. And at that  
25 public hearing each party will present the logic and

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1 the facts supporting its decision.

2 We will also, at the mandatory hearing, be  
3 asking questions that remain from our iteration with  
4 you of our written questions. I can't tell you at  
5 this point how much there will be, but there  
6 undoubtedly will be some.

7 We are expecting that we will be able to  
8 intersperse those, where appropriate, with your  
9 testimony at the mandatory hearing on the five issues.

10 If the applicant wishes, it may also make  
11 presentations on the NEPA issues at that hearing. But  
12 remember, this burden falls on the staff, not on the  
13 applicant. And the concept of a burden of proof is  
14 opposite here. Yes it is true that the applicant has  
15 the overall burden of proof with respect to the  
16 license application, but at this point we are simply  
17 verifying the staff's logic.

18 So what we have in mind is, we've set  
19 aside the 7th through the 9th for the hearings -  
20 that's Monday through Wednesday - we thought that we  
21 would conduct limited appearances on Tuesday night  
22 after the close of the hearing.

23 And what we're hoping that the parties  
24 will do is locate some suitable sites for us so that  
25 we can make arrangements - pursue whether they are

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1 suitable and make arrangements - I'm sorry, it's  
2 Tuesday through Thursday, not Monday through  
3 Wednesday, thank you Jerry. And what did I say? In  
4 November, 7 through 9 November, right, which is  
5 Tuesday through Thursday.

6 Okay, this conference call was organized  
7 at the request of the applicant. Do you have any  
8 question, or have we clarified - have we answered your  
9 question?

10 MR. FRANTZ: Yes, one question. This is  
11 Steve Frantz.

12 With respect to the presentations that you  
13 expect during the hearings, the typical process is  
14 that we would have the written prefiled testimony; our  
15 witnesses would come in and basically swear to the  
16 prefiled testimony and then open it up to the  
17 licensing board for questions.

18 Is the board expecting anything more than  
19 that? Do they expect, for example, an oral  
20 presentation beyond just swearing to the prefiled  
21 testimony?

22 JUDGE ABRAMSON: Yes, the board expects  
23 that you will do a public presentation of the logic  
24 and facts that underlie your decision in this matter.  
25 I know it's a little odd for the applicant, but it's

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1 how you see the facts in the record supporting the  
2 logic of the staff's position, for the applicant.

3 We do expect that you would empanel  
4 experts for each of the five questions, and that you  
5 would elicit expert testimony from them that need not  
6 regurgitate everything that you've submitted in  
7 writing, but it should outline it, and they should be  
8 there to answer questions if we were to have any.

9 Now this is the purpose for you having  
10 briefs, and the purpose for you having - for  
11 submitting prefiled testimony, and you will basically  
12 just be reiterating, repeating, what you have done, as  
13 we see it.

14 MR. FRANTZ: Thank you, that's very  
15 helpful.

16 Do you have an estimated time for these  
17 presentations, an estimated duration for the  
18 presentations?

19 JUDGE ABRAMSON: We were hoping - we were  
20 going to ask you to give us a rough idea of what you  
21 would think it would take.

22 I would expect that the experts will do  
23 the presentation largely. You will put them on the  
24 stand and ask them to tell us how they got there. You  
25 can do it in a panel. You can do it one by one.

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1 Generally we've been doing these things as a panel, as  
2 you know, Steve, so that works quite effectively.

3 I would think five issues, some are going  
4 to be more complicated than others, I would think half  
5 an hour to an hour per panel, per issue. And if you  
6 need more let us know; if you need less, let us know.  
7 But I thought you and staff would talk about that,  
8 give us an idea of how much time you'll need so that  
9 we can do the detailed scheduling of the hearing.

10 MR. FRANTZ: Okay, that's helpful.

11 Additionally, one thing we've encountered  
12 as we're preparing our brief is that many of the  
13 underlying facts and logic support more than one issue  
14 or one finding. And so we felt it was best to  
15 basically provide an integrated discussion of the  
16 facts that support two or three findings.

17 We want to make sure that that's  
18 acceptable to the board.

19 JUDGE ABRAMSON: That's fine, as long as  
20 these facts lead you ultimately to the findings we  
21 need to make.

22 MR. FRANTZ: Yes, they do.

23 JUDGE ABRAMSON: That's fine. We're not  
24 going to be bound by form here. We're interested in  
25 substance. Do the facts support the conclusion, and

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1 is there a logical flow from the facts to the  
2 conclusion.

3 I think the Commission has been quite  
4 clear that that's what they expect us to do. And the  
5 reason we're doing this as a public hearing is, we  
6 think that's what the AEA mandates.

7 MR. FRANTZ: That's fine. That's very  
8 helpful guidance.

9 JUDGE ABRAMSON: Staff, do you have any  
10 questions? Do you understand where we're going with  
11 this?

12 MS. HODGDON: Oh, was that question for  
13 staff? Yes, I suppose so.

14 JUDGE ABRAMSON: Anybody have any further  
15 questions? Anything else from the applicant?

16 MR. FRANTZ: Nothing from us.

17 JUDGE ABRAMSON: Judge Hetrick?

18 JUDGE HETRICK: I have no comment or  
19 question, thank you.

20 MS. HODGDON: Judge Abramson?

21 JUDGE ABRAMSON: Yes?

22 MS. HODGDON: Yes, Ann Hodgdon here. I  
23 wanted to say that Bob Wiseman (phonetic) entered the  
24 room after we introduced ourselves, so he is here.

25 And also I forgot to say that Eva Hickey

1 is here - she's not with us in the room, she's at  
2 Pacific Northwest Laboratories, where she is  
3 listening.

4 JUDGE ABRAMSON: And Ms. Hickey, I gather  
5 that your role on this was that you worked on EIS?

6 MS. CURRAN: Yes, that's correct.

7 MR. FRANTZ: Judge Abramson, this is Steve  
8 Frantz. I do have two other related questions.

9 One, we had proposed along with the staff  
10 to submit to the board proposed findings of fact and  
11 conclusions of law by the end of November.

12 We just want to make sure that that's  
13 acceptable to the board.

14 JUDGE ABRAMSON: That's fine, but keep it  
15 short.

16 MR. FRANTZ: Yes, sir.

17 JUDGE ABRAMSON: Right? Just be succinct  
18 to the point, as you know, you've looked at hearings  
19 that we've run before, we tend to be curt to the  
20 point, and we'd appreciate it if you don't flood us  
21 with a bunch of stuff that we don't need.

22 MR. FRANTZ: No, that certainly helps us  
23 too.

24 JUDGE ABRAMSON: Just the facts.

25 MS. HODGDON: Judge Abramson, Ann Hodgdon

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1 again. Perhaps it would be more efficient if the  
2 licensee filed its findings first, and we filed  
3 responsive findings.

4 JUDGE ABRAMSON: No, this is the staff's  
5 judge. In fact the applicant need not file anything,  
6 so we're looking for the staff to file.

7 If you think you need to know what the  
8 applicant is going to do, or if you think the  
9 applicant is going to be able to help you, then you  
10 are certainly free to consult with them in the process  
11 of preparing your filing.

12 MS. HODGDON: My idea was really just that  
13 it might save the board time to see where there was  
14 controversy instead of just taking something  
15 simultaneously filed. And that's in the sense of  
16 responsive and reply findings, which is what is  
17 usually done here in other kinds of proceedings.

18 JUDGE ABRAMSON: Ms. Hodgdon, this is not  
19 an adversarial proceeding. We are standing, as I have  
20 said many times, or as this board has said many times,  
21 in the shoes of the Commission reviewing the staff's  
22 decision.

23 So the applicant has volunteered to help  
24 the board and, presumably, the staff out by filing its  
25 views on how the facts support the staff's conclusion.

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1 If you want to talk to the applicant  
2 before you file your proposed findings, or before you  
3 file your brief, and if the applicant wants to talk to  
4 you, feel free to do so.

5 MS. HODGDON: Thank you for that  
6 clarification. Ann Hodgdon here.

7 MR. FRANTZ: This is Steve Frantz. My one  
8 last question pertains to, the hearing exhibits have  
9 all been the application in our case, involving the  
10 SER and EIS in the staff's case. We have already  
11 distributed copies to the staff and to the board.

12 At the hearing does the board still want  
13 further copies? And if so, is it electronic copies or  
14 hard copies?

15 JUDGE ABRAMSON: I think they're already in  
16 the record, so what you can do for the purposes of  
17 this is, bring with you the documents you need if any  
18 issue comes up; then you can just let us take a look  
19 at it at that point.

20 MR. FRANTZ: Okay, thank you. That's  
21 helpful.

22 JUDGE ABRAMSON: I don't see the reason to  
23 flood this hearing with a lot of paper.

24 JUDGE BARATTA: Judge Baratta here.  
25 Question for the applicants. Have you come up with

1 any ideas?

2 MR. FRANTZ: I'm sorry, you broke up. I  
3 did not hear the whole question?

4 JUDGE BARATTA: I said, have you come up  
5 with any ideas of where to hold the hearing, or can  
6 you give us a date by which you will?

7 MR. FRANTZ: We have some suggestions. The  
8 two of Clinton is around six or seven miles I guess  
9 from the site itself. It's a very small town,  
10 approximately I guess 6 - 8,000 people. There are  
11 very limited facilities there. But we could hold the  
12 hearing, for example, at the Clinton Elks Lodge that  
13 has a capacity of up to 300 people.

14 There are some hotels or motels in the  
15 town of Clinton, but again, very limited capacity for  
16 the most part, and some of the hotels are not of the  
17 best quality.

18 JUDGE BARATTA: Does the Elks Lodge have a  
19 meeting space, is that what you're telling us? Or is  
20 this like a big dance floor?

21 MR. FRANTZ: I believe it's probably just  
22 a big hall. Chris Kerr, could you help us out there?

23 MR. KERR: Yes, this is Chris Kerr. As far  
24 as I know it's just basically a big hall. I mean we  
25 could set up chairs and tables and stuff and

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1 presentations. I understand we've had some other  
2 limited meetings there before, Exelon meeting with  
3 people from the Clinton area. But it's not like a big  
4 conference meeting area.

5 They do have dances in there, so as I  
6 said, it would be fold-up tables and chairs they'd be  
7 setting up.

8 JUDGE BARATTA: We've certainly done things  
9 like this. That's not an issue. Do you think they  
10 have a PA system?

11 MR. KERR: That I'm not sure about. I can  
12 check into that.

13 JUDGE HETRICK: This is Judge Hetrick with  
14 a question. Where was the meeting held on the draft  
15 environmental impact statement?

16 MS. HODGDON: This is Ann Hodgdon. It was  
17 in a high school auditorium, in Clinton. It was  
18 Clinton, wasn't it? Yes, a multipurpose room.

19 JUDGE ABRAMSON: Judge Baratta is pointing  
20 out that they are probably in session at this time of  
21 year, November 7th.

22 MR. KERR: Yes. This is Chris Kerr. We  
23 did look into the schools, and considered that not an  
24 option based on the school being in session.

25 JUDGE BARATTA: Does Clinton have a

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1 municipal building of any sort?

2 MR. KERR: This is Chris Kerr from Exelon.  
3 No, we did look into that. The Clinton municipal  
4 offices didn't have anything that could hold any type  
5 of any size of crowd which may be expected from a  
6 public meeting.

7 There is a public library which has  
8 meeting rooms, and we've had some limited meetings  
9 there. But it's under capacity. Their largest room  
10 has a capacity of about 70 to 75 people.

11 JUDGE BARATTA: What have you been  
12 experiencing at your EIS hearing?

13 MR. KERR: I personally - this is Chris  
14 Kerr - I wasn't there. Steve, I don't know if I can  
15 go by what Eddie Grant has told me, but you might have  
16 more information.

17 MR. BESSETTE: This is Paul Bessette from  
18 Morgan Lewis. I attended the public hearing on the  
19 EIS, and it was approximately, I would say, 50 to 100  
20 people that showed up for the meeting.

21 MR. KENYON: This is Tom Kenyon for the  
22 staff. We held the meeting at the junior high school  
23 in Clinton, and there was 250 people signed in, and we  
24 believe there were almost 300 on the meeting on the  
25 draft environmental impact statement.

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1 JUDGE ABRAMSON: All right. Well, I guess  
2 the way we ought to proceed is, sometime in the next  
3 couple of weeks if the staff and applicant can talk to  
4 Jered Lindsay, Mr. Lindsay, about what your  
5 suggestions are, and we can pursue it here and the  
6 locations.

7 MR. FRANTZ: This is Steve Frantz. There  
8 is one other option I just wanted to raise for the  
9 board's consideration.

10 There are some larger cities in the area.  
11 Particularly, Decatur has a conference room and hotel  
12 that would be more than sufficient for the hearing  
13 needs, the very large conference center it has, not  
14 only meeting space, but it also has obviously hotel  
15 rooms.

16 So if the board wanted to move the  
17 hearings to Decatur, that's certainly a possibility.  
18 Decatur is approximately 20 miles south of Clinton.

19 JUDGE ABRAMSON: Sounds to us like it might  
20 make sense. Are you telling us that there are no  
21 suitable hotel facilities in the immediate facility of  
22 the plant?

23 MR. FRANTZ: There is one small motel that  
24 has approximately 36 rooms that may take up our entire  
25 combined contingency, I guess.

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1           There are other very small hotels that  
2 really are of doubtful quality.

3           JUDGE ABRAMSON: Perhaps what we ought to  
4 contemplate is holding the hearing in Decatur, and  
5 maybe doing limited appearances in Clinton.

6           MR. FRANTZ: That would certainly work.

7           JUDGE ABRAMSON: Let's pursue the Elk's  
8 Lodge for limited appearances. If you had 300 show up  
9 for the EIS, we might get - if we're going to have 300  
10 people, we are going to have to limit them to a minute  
11 apiece.

12           MR. KERR: This is Chris Kerr from Exelon,  
13 just for clarification, Judge Abramson.

14           So if we want to pursue for the limited  
15 appearances, we would just look to the Elk's Lodge for  
16 the one night, the evening of the 6th?

17           JUDGE ABRAMSON: For the evening of the  
18 8th.

19           MR. KERR: The 8th, I'm sorry.

20           MS. HODGDON: Ann Hodgdon, again.

21           Since the school is only a problem during  
22 the daytime, we could also use the school at night,  
23 couldn't we, the one that we used for the EIS?

24           JUDGE ABRAMSON: Which has the larger  
25 capacity? It's an auditorium at the school?

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1 MS. HODGDON: It's quite large. It's a  
2 multipurpose room, but it's very large.

3 JUDGE ABRAMSON: Why don't we let the staff  
4 and the applicant talk about that, and get back to Mr.  
5 Lindsay?

6 MS. HODGDON: That's fine.

7 JUDGE ABRAMSON: For that matter, we can be  
8 quite flexible on that on Tuesday the 8th. It's a  
9 question of what's available and what works better.

10 And I guess you want to make sure there is  
11 no high school basketball game that night?

12 MS. HODGDON: Yes. We had our meeting  
13 there in what month was it?

14 MR. KENYON: February.

15 MS. HODGDON: February. And so same thing,  
16 basketball season, whenever it was basketball season.

17 JUDGE ABRAMSON: And in fact you might want  
18 to check, perhaps the applicant and staff can check  
19 with the local high school and find out whether the  
20 8th or the 7th is better for the limited appearances.  
21 We could certainly do it the night of the 7th, which  
22 is a Tuesday night, so that we don't conflict with  
23 the local basketball schedule?

24 MS. HODGDON: Yes, we will do that.

25 JUDGE ABRAMSON: So as we understand, staff

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1 and the applicant will look into this conference  
2 facility in Decatur for the possible use for the  
3 hearing and convey that information to Mr. Lindsay,  
4 and we will then take it from here.

5 And you'll do the same for the potential  
6 for limited appearance hearings on either the night of  
7 the 7th or the 8th.

8 MR. FRANTZ: That's correct.

9 JUDGE BARATTA: Judge Baratta. One last -

10 JUDGE ABRAMSON: Judge Baratta,  
11 unfortunately again you're breaking up. We could not  
12 hear your questions.

13 JUDGE BARATTA: I guess I'm not as loud as  
14 certain other people.

15 If you could just give us the names of any  
16 local audio-visual companies in case we do have to  
17 make arrangements for a PA system for the limited  
18 appearances?

19 MR. FRANTZ: Yes, I would hope that the  
20 facility itself would have that, but we will confirm  
21 that when we make arrangements.

22 MS. HODGDON: Mr. Kenyon, Tom Kenyon, will  
23 address this, because he made the arrangements before  
24 for the use of that facility.

25 MR. KENYON: This is Tom Kenyon.

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1           The high school has a state of the art PA  
2 system.    The other meeting that we held for the  
3 scoping meeting was held in the basement of the  
4 library there, the Warner public library. They had no  
5 audio facilities. We actually had to go I think into  
6 the Chicago area and brought it down, because it was  
7 simpler to do that. You probably would have to go to  
8 one of the nearby larger cities such as Bloomington to  
9 find an audio place. Clinton doesn't have anything.  
10 Decatur may have; I don't know, we haven't looked into  
11 that.

12           JUDGE ABRAMSON: Also as you know there  
13 will be a court reporter at the limited appearances,  
14 and he or she will bring some audio equipment.  
15 Generally they bring microphones and that sort of  
16 stuff.

17           One other question here that I think we  
18 need to be contemplating, since you had so many people  
19 at your EIS hearing, it would be useful if you could  
20 give us some estimate of how many people are likely to  
21 show up at these limited appearances.

22           We will do the normal thing with  
23 preregistration and find out what we got. And so on  
24 the same point, you might want to - it seems to us it  
25 would be useful to find out the availability on both

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1 the night of the 7th and the 8th in case we have too  
2 many people to do on one night.

3 JUDGE HETRICK: Yes, Judge Hetrick with a  
4 comment, I think we should be sure we have a backup in  
5 case limited appearances take more than one evening.

6 JUDGE ABRAMSON: Yes, that's what we're  
7 saying. So we'll check the availability for both  
8 nights. We'll plan it for the 7th, let's say, or the  
9 8th. Maybe we should plan for the 7th, and then we  
10 can spill over onto the 8th. So let's do that, let's  
11 plan it for the night of the 7th, and if we need to  
12 spill over onto the 8th, we will.

13 Let's get them to sign up for the 7th, and  
14 we'll say that in our notice that if we wind up using,  
15 if there isn't enough time for everybody to speak on  
16 the 7th, we'll come back on the 8th.

17 And we'll run the hearings nominally, the  
18 mandatory hearings, from 9:00 to 4:30 or something  
19 like that, so we could start the limited appearance at  
20 what do you think it's going to take us, it's going to  
21 take us half an hour to get over there, and we'll need  
22 an hour for dinner, so an hour and a half later, start  
23 at say 6:00?

24 MR. FRANTZ: That seems reasonable.

25 MS. HODGDON: It's going to be rush hour.

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1 Don't you think we ought to have another half hour on  
2 there? At what time would these limited appearances  
3 be starting? Ann Hodgdon.

4 JUDGE ABRAMSON: What we're thinking is,  
5 they would start around 6:30, is that - does that make  
6 sense to everybody? Or we could start at 7:00 if you  
7 think you need that much time to get together?

8 What do you folks think who've been down  
9 there? Can we get from Decatur over to Clinton in  
10 half an hour at 6:30 at night, or 6:00 at night?

11 MR. FRANTZ: I think that's reasonable,  
12 yes.

13 JUDGE ABRAMSON: If we finish at 4:30 and  
14 we schedule at 6:30, that gives us two hours. Does  
15 that sound like enough, Ms. Hodgdon?

16 MS. HODGDON: I think so. I attended the  
17 limited appearances in Grand Gulf last week, and it  
18 was amazing how many people were heard in such a short  
19 time. We were only there for two hours, and I don't  
20 know how many people they had, hundreds.

21 We were upstairs with the TV camera,  
22 because the room that they had in there was small.  
23 But it seemed like a crowd. Maybe it was just that  
24 the room - not everybody spoke, but there were a lot  
25 of people there.

1 MR. BESSETTE: This is Paul Bessette, I  
2 also attended. While the room was quite full, about  
3 25 people actually made the appearances.

4 MS. HODGDON: But the people in attendance  
5 were a great number more.

6 MR. BESSETTE: Right, and in that hearing  
7 they limited the appearances to generally about five  
8 minutes.

9 MS. HODGDON: Yes, it went very well.

10 JUDGE ABRAMSON: I think what we'll do in  
11 our initial notice we'll say no more than five  
12 minutes, and it may be reduced if we have a lot of  
13 people who wish to speak.

14 But what's been customary is that we'll  
15 have people pre-sign to make appearances, and we'll  
16 give preference to those, and then we'll take people  
17 who show up at the room who want to speak. We will  
18 not allow people to speak twice.

19 MR. BESSETTE: Judge, this is Paul  
20 Bessette. I know it's usually evident in the notice,  
21 but there was some confusion by members of the public  
22 that they could submit written documents in lieu of  
23 travel to the limited appearance session.

24 JUDGE ABRAMSON: Yes, we'll make that  
25 perfectly clear. I thought that should have been

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1 clear, and if it wasn't, we'll make sure when we send  
2 out notice out that it is.

3 MR. BESSETTE: Well, we thought it was  
4 clear also, but somehow members of the public didn't  
5 quite understand.

6 JUDGE ABRAMSON: And so what did you find,  
7 that members of the public felt they had to show up?

8 MR. BESSETTE: Yes.

9 MS. HODGDON: Drove from New Orleans.

10 JUDGE ABRAMSON: That doesn't surprise me.  
11 Those folks drove up here from New Orleans for the  
12 original ESP meeting.

13 MS. HODGDON: That's true, they did, didn't  
14 they?

15 JUDGE ABRAMSON: Anything else?

16 MS. HODGDON: Ann Hodgdon, again. I would  
17 like to address a matter that I'm not going to have  
18 another matter to address, and that is with regard to  
19 the order of August the 17th, requiring the staff to  
20 tabulate all matters, all such matters in the  
21 supplement to the FSER, so that the staff and COL  
22 applicants will be alerted to the need to address  
23 them.

24 The staff answer is required on September  
25 the 14th. The staff is perfectly willing to do the

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1 work required but believes that the supplementation of  
2 the FSER is not indicated, not necessary, and would  
3 take a great deal more time and money as seems to be  
4 needed here.

5 And all the cases we checked don't give  
6 the board the authority to order the supplementation  
7 of the FSER, although you got the same results by  
8 having the testimony in the hearings, and it's  
9 modified to the extent that the board uses it,  
10 incorporates it.

11 JUDGE ABRAMSON: Ms. Hodgdon, I don't want  
12 to quarrel with you about whether we have the  
13 authority to order the staff to do this, but as you  
14 suggest, it is certainly clear that we have the  
15 authority to supplement records, and to modify the  
16 FSER and the SEIS to the extent we think necessary.

17 And if the staff wants to prepare that  
18 information and get it to us, we can simply order that  
19 it is a supplement to the FSER and the SEIS.

20 MS. HODGDON: That is exactly what I  
21 intended to say, and it's possible I misspoke. It is  
22 supplemented to the extent that the board does  
23 incorporate it or whatever.

24 But I'm just saying that this order seems  
25 to read that the staff shall tabulate, et cetera. And

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1 we just wanted to be sure that that did not intend  
2 that the staff undertake the supplementation of the  
3 FSER, which would be very time consuming and cost us  
4 a lot of money.

5 JUDGE ABRAMSON: What we're after is making  
6 absolutely sure that in the future when Exelon wants  
7 to do a COL it knows all the things that need to be  
8 done, and the staff knows all the things that need to  
9 be done.

10 Our only concern is that when we  
11 supplement the FSER through a record, somehow that  
12 gets incorporated into the future thoughts of the  
13 staff and the applicant.

14 We will certainly do it that way. What we

15 -

16 MS. HODGDON: I think that the applicant  
17 will be not only reading this appendix to the FSER, I  
18 think it will also be reading the SER and the decision  
19 on the SER plus any appeals, any court cases, and so  
20 forth.

21 I mean I'm quite sure I would do that if  
22 I were the applicant, and I'm sure they will be doing  
23 that.

24 JUDGE ABRAMSON: How about the staff, Ms.  
25 Hodgdon, since you aren't the applicant, how will the

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1 staff keep track of this if it's not a staff document?

2 MS. HODGDON: It's in the decision. It is  
3 a staff document, it's just not part of the FSER.

4 JUDGE ABRAMSON: Okay, fine. You  
5 understand what we're after?

6 MS. HODGDON: I believe that you are  
7 agreeing with me, and not disagreeing with me. I  
8 think we both know that it's been done many times in  
9 the past, and that the record of the decision, both in  
10 environmental matters and in health and safety matters  
11 that is definitive.

12 JUDGE ABRAMSON: Fine, we're on the same  
13 track.

14 MS. HODGDON: Okay, thank you.

15 JUDGE ABRAMSON: Anything else from the  
16 applicant?

17 MR. FRANTZ: Nothing from us.

18 JUDGE ABRAMSON: Judge Hetrick?

19 JUDGE HETRICK: Nothing more, thank you.

20 JUDGE ABRAMSON: Judge Baratta?

21 JUDGE BARATTA: Nothing more, thank you.

22 JUDGE ABRAMSON: Ms. Hodgdon?

23 MS. HODGDON: No, nothing.

24 JUDGE ABRAMSON: All right, thank you very  
25 much.

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Then this hearing is adjourned.

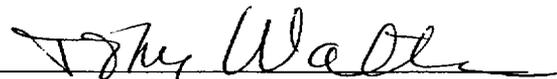
(Whereupon at 1:31 p.m. the proceeding in the above-entitled matter was adjourned.)

CERTIFICATE

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

Name of Proceeding: Pre-Hearing Conference  
Exelon Generating Company  
Docket Number: 52-007-ESP  
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.



Toby Walter  
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