

RAS Q-91

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Southern Nuclear Operating Company
Early Site Permit

DOCKETED
USNRC

Docket Number: 52-011-ESP;
ASLBP Number: 07-850-01-ESP-BD01

February 3, 2009 (12:00pm))

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Location: Rockville, Maryland

Date: Wednesday, January 28, 2009

Work Order No.: NRC-2637

Pages 441-505

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

TEMPLATE = SECY - 032

DS 03

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 ATOMIC SAFETY AND LICENSING BOARD PANEL
4 PREHEARING CONFERENCE
5

6 IN THE MATTER OF

7 SOUTHERN NUCLEAR OPERATING Docket No.

8 COMPANY 52-011-ESP

9 (Early Site Permit for Vogtle ASLBP No.

10 ESP Site) 07-850-01-ESP-BD01
11

12 Wednesday, January 28, 2009

13 Atomic Safety and Licensing Board Panel

14 Room T-3B45

15 Two White Flint North Building

16 11545 Rockville Pike

17 Rockville, Maryland
18

19
20 1:00 p.m.

21 BEFORE THE LICENSING BOARD:

22 G. PAUL BOLLWERK, III, Chairman

23 NICHOLAS G. TRIKOUROS, Administrative Judge

24 JAMES F. JACKSON, Administrative Judge

25 (via teleconference)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 APPEARANCES:

2 On Behalf of the NRC Staff:

3 PATRICK A. MOULDING, Esq

4 JODY C. MARTIN, Esq.

5 SARAH A. PRICE, Esq.

6 U.S. Nuclear Regulatory Commission

7 Office of the General Counsel

8 Mail Stop O-15D-21

9 Washington, DC 20555-0001

10 patrick.moulding@nrc.gov

11 jody.martin@nrc.gov

12 sap1@nrc.gov

13
14 On Behalf of the Applicant:

15 M. STANFORD BLANTON, Esq.

16 PETER D. LEJEUNE, Esq.

17 Balch & Bingham, LLP

18 1710 Sixth Avenue North

19 P.O. Box 306 (35201)

20 Birmingham, Alabama 35203

21 (205) 226-3417

22 (205) 488-5879 (fax)

23 sblanton@balch.com

24 plejeune@balch.com

25

NEAL R. GROSSCOURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 C. GRADY MOORE, III, Esq. (via video conference)
2 Balch & Bingham, LLP
3 1901 6th Avenue, Suite 2600
4 Birmingham, Alabama 35203
5 gmoore@balch.com

6
7 KATHRYN M. SUTTON, Esq.
8 Morgan, Lewis & Bockius, LLP
9 1111 Pennsylvania Avenue, NW
10 Washington, DC 20004
11 (202) 739-5738
12 (202) 739-3001 (fax)
13 ksutton@morganlewis.com

14
15 On Behalf of the Joint Intervenors (via video
16 conference):

17 LAWRENCE SANDERS, Esq.
18 MINDY GOLDSTEIN
19 Turner Environmental Law Clinic
20 Emory University School of Law
21 1301 Clifton Road
22 Atlanta, Georgia 30322
23 lsande3@emory.edu
24 magolds@emory.edu

25

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

P R O C E E D I N G S

(12:55:54 p.m.)

1
2
3 CHAIRMAN BOLLWERK: We're here this
4 afternoon to conduct a pre-hearing conference in the
5 Vogtle Early Site Permit proceeding. The case is
6 going to be going to hearing in about a month and a
7 half, and we felt, given we had the parties together
8 already, we had a slight shift with the Staff in terms
9 of different attorneys, but the parties basically
10 together to talk about the combined licensing case,
11 that it would be a good opportunity to also talk with
12 folks about the Early Site Permit, about the hearing
13 coming up, to allow us to give you some feedback on
14 what we're thinking about in terms of both the
15 contested and the mandatory case, and to hear what you
16 all have to say, as well.

17 For purposes of the record, why don't we
18 go ahead and identify ourselves. Judge Trikouros is
19 here with me here Rockville. Judge Jackson is on the
20 teleconference, and I'm Paul Bollwerk. I'm the
21 Chairman of the Panel. Why don't we go ahead. Mr.
22 Sanders, if you could identify yourself for the
23 record, please.

24 MR. SANDERS: This is Lawrence Sanders,
25 and I am attorney for the Joint Intervenors.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BOLLWERK: All right. Applicant,
2 please?

3 MR. BLANTON: Stan Blanton, Balch &
4 Bingham for the Applicant. Your Honor, with me at
5 counsel table is Peter LeJeune, my partner; Kathryn
6 Sutton from Morgan, Lewis & Bockius. And I see in
7 Atlanta my partner, Grady Moore, sitting there by Mr.
8 Sanders.

9 He's also counsel for Southern Nuclear.

10 CHAIRMAN BOLLWERK: All right. Thank you,
11 sir. Staff?

12 MR. MOULDING: I'm Patrick Moulding with
13 the Office of the General Counsel, representing the
14 NRC Staff. With me is Jody Martin and Sarah Price,
15 also of the General Counsel's office.

16 CHAIRMAN BOLLWERK: All right. Thank you
17 very much.

18 What we'd like to do is sort of walk
19 through. I have a little agenda that I put together,
20 and I offered you the opportunity. You didn't really
21 give us any feedback. Having said that, that doesn't
22 preclude you from commenting on anything we're going
23 to talk about here, or from giving us additional
24 information items, or items you think we need to be
25 talking about. So let me walk through this, and if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you hear something that you think we need to comment
2 on, certainly you should do that. I will ask for
3 comments from time to time.

4 Let's start with the balance of the pre-
5 hearing schedule, which is about another month and a
6 half, in terms of the contested case. As you all are
7 aware, the proposed cross examination questions that
8 the Board would ask, as well as the motions for cross
9 examination, if someone wants to file such a motion,
10 are due Monday, February 2nd.

11 I mentioned in one of the orders that we
12 put out to make sure that you send those by email
13 directly to me as the Board Chairman. And if you wish
14 to password protect them, send those to Wen Bu, our
15 law clerk, via telephone.

16 Again, under the rules, any proposed cross
17 examination questions that you want to have kept
18 between you and the Board at this point, we will
19 protect them that way, but you also need to take
20 action to protect them that way. If you put them into
21 the E-Filing System, they will go into the E-Filing
22 System, and they will probably pop out being served on
23 everybody, and being put into the docket. So, again,
24 if you prefer that the Board only see those questions,
25 the way to do that would be to probably email them to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 me. And if you want them protected, I'll let you
2 decide how secure you think the internet is. Feel
3 free to password protect them, just make sure we get
4 the password. That would be the phone call to Ms. Bu.
5 Again, if you're going to password protect and send
6 the email, I wouldn't suggest sending the password by
7 email because you're going to have the same problem.
8 But, again, that's up to you as to how secure you want
9 those questions to be. You could Express mail them to
10 us, if you prefer to do it in paper, however you want.

11 What will happen is, under the rules,
12 after the initial decision is issued, we will then put
13 those questions onto the record. They will become
14 part of the adjudicatory record, so they in that sense
15 are not ex parte. They do become part of the record
16 at some point. And if someone has a problem, they can
17 raise an issue about them at that point, so that's the
18 basic process.

19 Any questions about that, or concerns?
20 Again, you have a lot of latitude as to how you want
21 to do it. I just want to make sure we don't have them
22 filed with SECY, because they're going to do what SECY
23 does, which is put them right in the record.

24 Going down the balance of the schedule in
25 terms of the pre-hearing schedule, briefly. Response

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 statements, which will be either response statements
2 in terms of the initial statements you all filed, as
3 well as your rebuttal testimony, Friday, February the
4 6th. Any responses to motions for cross examination,
5 February 9th, which is a Monday. Rebuttal testimony,
6 in limine motions, Wednesday, February 11th. Any
7 responses to any in limine motions, Tuesday, February
8 17th. Board rulings on any in limine motions dealing
9 with rebuttal testimony on Monday, February 23rd. And
10 then any rebuttal testimony proposed cross examination
11 questions Monday, March the 2nd. That's the balance
12 of the schedule.

13 We did issue a ruling a little bit earlier
14 this week on the in limine motions that were filed
15 relative to the direct testimony. In terms of any of
16 the administrative things that we asked, does anyone
17 have any questions about any of those? I'm not asking
18 for comments on the substantive ruling, but really
19 questions about the way we ask that the testimony be
20 reshuffled, or exhibits be re-filed in some instances.
21 Any questions about that, or concerns?

22 MR. MOULDING: Just one note for the NRC
23 Staff.

24 CHAIRMAN BOLLWERK: Yes.

25 MR. MOULDING: I understood the note in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 your order about all corrections to pre-filed
2 testimony would necessitate re-filing that testimony.
3 The Staff recently had included some corrections when
4 it filed its revised exhibit list, and so I guess our
5 intention would be when we re-file on Monday the 2nd,
6 removing the cover pages from the pre-filed direct
7 testimony that we would intend to make those
8 corrections at that time.

9 CHAIRMAN BOLLWERK: That's fine. Again,
10 the point -- what we need, we're going to talk a
11 little bit about how we're going to do this hearing
12 electronically. We need, basically, a clean copy of
13 your pre-filed testimony as it needs to go into the
14 record as an electronic document by the time we get to
15 the hearing. And, obviously, there's also - I don't
16 want anybody, again, filing revised testimony that the
17 parties for whatever reason aren't aware what
18 revisions are being made. If you're making
19 corrections, you numbered the exhibit wrong or
20 whatever, obviously, you should make those. It may
21 well be that when you file that revised testimony, you
22 might want to let -- normally, we would have
23 interlineation. We do all kinds of different things.
24 But the two basic principles, we need a final copy of
25 that testimony that we can put into the transcript,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and it has to be an electronic version. And everybody
2 needs to know any revisions at all could even be
3 remotely controversial, so we don't want anybody
4 getting surprised. That's the bottom line.

5 MR. BLANTON: And just to make sure I
6 understand, Your Honor. This is Stan Blanton.

7 CHAIRMAN BOLLWERK: Yes, sir.

8 MR. BLANTON: Assuming there are no
9 revisions to the direct testimony we filed in January,
10 there's no need to file a new electronic copy before
11 the hearing. Correct?

12 CHAIRMAN BOLLWERK: No. If you stand on
13 what you filed, no changes in terms of grammar,
14 whatever else, the exhibit numbers, you can just stand
15 on that. And the process will be - talk about this
16 now. Basically, we'll take the pre-filed direct and
17 the pre-filed rebuttal for each party, admitted at the
18 same -- at the point that we hear from the witness or
19 witness panel with respect to that particular
20 contention. And then we move forward from there, so
21 that's why it's important that we have a final
22 version. And the same thing would apply to the
23 rebuttal testimony, obviously. We need a final
24 electronic version of that. So that's the basic idea.

25 Any other questions about that, concerns?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Okay. Well, again, as we talk through this, if you
2 think of something else, just let me know.

3 In terms of the mandatory hearing, in
4 terms of pre-hearing schedule, it is possible, the
5 Board is looking at a couple of additional
6 presentation topics. These would not be on the scale
7 of say the seismic topic that we talked about. These
8 would be much smaller, I think. And we should have
9 those for you by the end of next week, if we're going
10 to do them. I think that's what we agreed to
11 yesterday. Again, I think we're looking at maybe two,
12 if we do both of them. But, again, they would be more
13 probably in the -- what you've limited as probably the
14 10-15 minute range, than like the 80 or 90 minute
15 range that we saw on some of the others. That's our
16 estimate. But, obviously, when you see the issues, if
17 you disagree, you need to let us know what you think.

18
19 And then the presentation materials are
20 due on Monday, March the 2nd for the mandatory
21 hearing. What we contemplate with respect to those
22 is, basically, I would anticipate there'll be some
23 evidentiary material involved with that. Some of it
24 already may have been marked for the record in terms
25 of -- submitted as pre-filed exhibits for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 contested case. I think we tried to outline how those
2 would become exhibits in the mandatory hearing. But
3 if you also have PowerPoint presentations, or anything
4 else, those, obviously, need to come in at that point,
5 as well. Any additional evidentiary materials would
6 be part of what you'd submit to us on March the 2nd.

7 We did not request pre-filed testimony.
8 We thought it would, given the experience I had with
9 LES, Louisiana Energy Services case, and Judge
10 Trikouros with Grand Gulf, we thought we would go
11 without pre-filed testimony and see how that works.
12 I think it makes it a little bit easier on you.
13 Whether it will work better with the process, I guess
14 we'll find out. In any event, that's where we're
15 headed.

16 Any questions at this point about the pre-
17 hearing schedule, anything I mentioned up to this
18 point?

19 MR. MOULDING: If I could quickly follow-
20 up one.

21 CHAIRMAN BOLLWERK: Yes.

22 MR. MOULDING: You mentioned a couple of
23 additional presentations that may be requested. I
24 guess I would just mention at this point that at the
25 moment, the Staff is anticipating bringing to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hearing all those persons who are giving
2 presentations, obviously. There are some reviewers
3 who responded to some of the Board's written questions
4 , in both environmental and safety issues, who are not
5 otherwise giving presentations. I guess the Staff's
6 understanding at the moment is that it would not be
7 necessary to bring those reviewers, unless the Board
8 has identified a follow-up question, or a presentation
9 topic related to those questions. Is that consistent
10 with your understanding?

11 CHAIRMAN BOLLWERK: Yes. A lot of the
12 questions -- the responses you gave us either from the
13 Applicant or the Staff answered our questions, so we
14 felt no need to explore that further. The
15 presentation topics I think were based on the
16 questions we had, the answers we received, or simply
17 our looking at the record. These were areas where we
18 thought we needed to explore a little bit further, get
19 additional information. But if we didn't basically
20 outline a presentation topic, and that person then has
21 no relationship to any of those, they don't have to
22 show up.

23 MR. MOULDING: Okay. We just wanted to
24 make sure that we had people at the hearing who would
25 be able to respond to any questions likely to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 raised..

2 CHAIRMAN BOLLWERK: All right. Anything
3 else then in terms of pre-hearing in the mandatory
4 side, or the contested side?

5 MR. BLANTON: Not from us, Your Honor.

6 CHAIRMAN BOLLWERK: All right. Anything
7 from the Intervenors?

8 MR. SANDERS: No, nothing from us.

9 CHAIRMAN BOLLWERK: All right. Very good.

10 MR. BLANTON: I think Staff may have some.

11 MR. MOULDING: Yes, Your Honor. I did
12 have one additional question related to one of the
13 presentation topics.

14 CHAIRMAN BOLLWERK: Yes.

15 MR. MOULDING: The topic referring to the
16 seismic presentation, part of the Board's request asks
17 the question that the presentation should also include
18 a discussion of the seismic issues that were the
19 genesis of the delay in issuance of the FSER. And I
20 just wanted to confirm that what the Board was
21 referring to there were the issues mentioned in the
22 Staff's letter of June 17th that described a number of
23 issues associated with the limited work authorization
24 seismic analysis.

25 CHAIRMAN BOLLWERK: Yes. We talked about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that. You sort of alerted Ms. Bu to that, and we
2 talked about it yesterday. That's correct, isn't it,
3 Judge Jackson, I believe?

4 JUDGE JACKSON: That's correct.

5 CHAIRMAN BOLLWERK: Okay. Yes.

6 MR. MOULDING: And as a result, the Staff
7 may need to bring -- may need to expand slightly the
8 time allotted to the Staff presentation on that topic.

9 CHAIRMAN BOLLWERK: Okay.

10 MR. MOULDING: I guess we had not fully
11 considered whether that was going to be part of the
12 presentation.

13 CHAIRMAN BOLLWERK: Right.

14 MR. MOULDING: I believe, if you'll allow
15 me to confer for just a moment.

16 CHAIRMAN BOLLWERK: Yes.

17 MR. MOULDING: I think the Staff would
18 probably need another approximately 20 to 30 minutes
19 to address those issues.

20 CHAIRMAN BOLLWERK: And the original, I
21 don't know if I've got it in front of me here.

22 MR. MOULDING: I believe the original
23 estimate was about 40 minutes.

24 CHAIRMAN BOLLWERK: Forty, so we're up to
25 60?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. MOULDING: Sixty to seventy minutes,
2 probably.

3 CHAIRMAN BOLLWERK: Okay. All right.
4 We'll talk about the sort of timing when we get to
5 that part of it, but it looks like things are not
6 getting looser, they're getting tighter, which we sort
7 of anticipated.

8 JUDGE TRIKOUROS: I just have one comment.

9 CHAIRMAN BOLLWERK: Surely.

10 JUDGE TRIKOUROS: Yes. In the event that
11 we do have some additional questions, we had decided
12 we don't want to ask them in writing and have them
13 replied to in writing. What we might do is provide
14 you with those questions in advance, and just sort of
15 a warning, that we might want to have those discussed
16 at the hearing.

17 CHAIRMAN BOLLWERK: But, again, they
18 should relate to the presentation topics. Probably.

19 JUDGE TRIKOUROS: Probably. I'm trying to
20 say, it's not 100 percent certain that we won't have
21 any other questions that are a little bit afield from
22 what we've asked for for presentation topics, but
23 we'll give them to you in advance so that you can be
24 prepared. We don't want to go through another round
25 of written questions.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. MOULDING: Okay. And I guess our only
2 concern, we want to make sure that we have time to
3 prepare, to have the witnesses be at the hearing to be
4 able to respond, so the earlier the better, I guess.

5 CHAIRMAN BOLLWERK: Yes. Well, let me put
6 it this way, if you see -- if those questions do come
7 to fruition, and you see one that you think can be
8 handled by an individual you weren't planning on
9 bringing with you, get back in contact with us,
10 because maybe we can get a written response, and that
11 might -- we don't want to necessarily bring somebody
12 down necessarily to answer one question. So let's be
13 flexible about that.

14 All right. Again, I don't know that's
15 going to happen, but we just want to -- we're still
16 looking through things, and want to make sure that
17 we've got everything covered.

18 MR. MOULDING: Okay.

19 CHAIRMAN BOLLWERK: In terms of the
20 contested case hearing, this again is the three
21 admitted contentions. We're scheduled Monday-
22 Thursday, March the 16th-19th, will be held at the
23 Doubletree Hotel where we held the limited appearance,
24 and the pre-hearing conference back in the spring I
25 guess it was when we did the site visit. That's in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Augusta, Georgia. I think you all have been aware of
2 that for some time. I don't know what reservations
3 you've done, but, anyway, that's where it's at. So if
4 you haven't done anything up to this point, it's not
5 as far as I know going to move anywhere, so you should
6 act accordingly. And my assumption is that you're
7 doing whatever is necessary, although this is a
8 Subpart L proceeding, I know in Subpart G proceedings
9 often having some kind of additional space for a war
10 room, if you want to put it, is important to the
11 parties. That, again, is up to you, how you did it.
12 One of the reasons we did choose the Doubletree is
13 that was an opportunity where additional rooms or
14 whatever, if you needed that. But that, again, is up
15 to you to take care of, if that's what you want to do.

16 In terms of the current scheduling, it
17 calls for Environmental Contention 1.2 on Monday the
18 16th; Environmental Contention 1.3 on Tuesday, which
19 is the 17th; and then Contention 6.0, the
20 Environmental Contention on Wednesday and Thursday.
21 And I should say that a lot of that is driven by the
22 information we received from the Joint Intervenors
23 regarding the availability of their witnesses. And I
24 want to just check with Mr. Sanders, is there any
25 flexibility in that regard, basically, or we really

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 can't start on 1.3 until first thing Tuesday morning,
2 or is anybody likely to be around if we wanted to
3 start late Tuesday afternoon, or Monday afternoon,
4 excuse me?

5 MR. SANDERS: Let me just consult.

6 CHAIRMAN BOLLWERK: All right.

7 MR. SANDERS: My preference, and I'm sure
8 it's your's and the other parties', is to move through
9 the contentions as rapidly as feasible. We have one
10 expert on dry cooling who is scheduled to show up on
11 Tuesday. Our other expert who is going to be testify
12 on 1.3 is going to be there on Monday, as well, so we
13 certainly could start with 1.3 on Monday, if the
14 schedule permits.

15 CHAIRMAN BOLLWERK: All right. I mean, in
16 theory, your testimony would go into the record third,
17 so in one sense -- on the other hand, I don't know if
18 it's important that this person be here to listen to
19 what's going on.

20 MR. SANDERS: Right. Yes. We're trying
21 to figure all that out. I mean, obviously, we'd like
22 our experts to be available for hearing what's going
23 on, but it's not necessarily the case, so we wouldn't
24 object if the Board wanted to start 1.3 on Monday, if
25 there were time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BOLLWERK: All right. And,
2 again, what about the situation then with 6.0, if we
3 were to get to that on say some part of Tuesday,
4 rather than that Wednesday?

5 MR. SANDERS: Well, the challenge with 6.0
6 for us is it really -- our expert is extraordinarily
7 busy, and also extraordinarily expensive.

8 CHAIRMAN BOLLWERK: Okay.

9 MR. SANDERS: So we really want -- we'll
10 do whatever we can to get him there when we need him.
11 And so that -- if the Board -- I know it's difficult
12 for the Board to tell us any more than the schedule
13 you've already given us, but if we had some indication
14 that we were going to start 6.0 on Tuesday, we would
15 get him there on Tuesday.

16 CHAIRMAN BOLLWERK: Okay. Well, I think
17 what I'm hearing is there is some flexibility, and I
18 appreciate that. We will try to work with you. I
19 understand that both the busyness, as it were, and the
20 expense of the witness compels you in certain
21 directions. But if you can work with us, we will
22 certainly try to give you whatever information we can,
23 as quickly as we can, so just to let you know what's
24 going on.

25 MR. SANDERS: For that witness in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 particular, we just hate to pay him to sit around,
2 because it really costs.

3 CHAIRMAN BOLLWERK: Okay. I understand.
4 And it may well be that perhaps -- if we have some
5 sense by Monday that Tuesday was going to go early, is
6 that enough time?

7 MR. SANDERS: Perhaps. We have to talk to
8 him. He actually told us he may fly his private plane
9 to the hearing. And if that's the case, he might have
10 more flexibility in changing his plans. I could ask
11 him about that.

12 CHAIRMAN BOLLWERK: All right. Does he
13 play golf? I'm wondering if he -

14 (Laughter.)

15 MR. SANDERS: Yes, I want to go up in the
16 plane, also.

17 CHAIRMAN BOLLWERK: Augusta is a good
18 place to play golf, I guess.

19 All right. It sounds like then we've
20 started a dialogue here, and that's what I want to
21 keep up. If there is some flexibility, I think it's
22 in everybody's interest that we not get, for instance,
23 to 1:00 in the afternoon on Monday and say we've got
24 to stop and wait until Tuesday morning, if it's
25 possible to keep moving forward. I don't know that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that's going to happen, but that's the sort of thing
2 I'd prefer to avoid.

3 I also don't have a good sense of how
4 long, for instance, 6.0 is going to take. And maybe
5 if there's a little extra time for that, that might
6 work out well, too. All right. So we'll bear that in
7 mind.

8 In terms of -- now this is a Subpart L
9 proceeding. And, again, the questioning under the
10 rules is by the Judges. That's the basic premise that
11 we operate under. That's the rules as adopted by the
12 Commission. Let me say a little bit about the
13 expectations in terms of questioning by the Judges, so
14 there's no confusion, or misunderstanding.

15 The parties should not get into the mode
16 of thinking that how extensively we do or do not
17 question a witness has anything to do, or plays any
18 role in terms of how we're feeling about that witness
19 or that issue in terms of the parties' position.
20 Don't take the questions we ask, how many we ask, how
21 long we take to ask those questions as any kind of a
22 reflection as to how we view your case presentation.
23 That would be a mistake on your part.

24 In fact, you may be thankful that we're
25 not having your witness sit on the hot seat for a half

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 a day. So, again, I just don't want you to see that
2 if we don't ask a lot of questions of a particular
3 witness, that somehow we're ignoring that witness, or
4 we're ignoring your position. That's not the case at
5 all. It's simply we're going to be the most efficient
6 we can in terms of getting the information that we
7 need to develop the record to make a decision. So I
8 would really urge you not to take that approach to
9 what's going to happen in terms of the Board
10 questioning.

11 And just sort of a word to the wise.
12 We've seen that in some other Subpart L proceedings.
13 It's not useful on your part. It's not useful for us,
14 so we'll just ask questions we think are appropriate,
15 and I hope you won't take anything from that one way
16 or the other. I think that's probably the best
17 approach for everybody, just as sort of a background
18 or guidance to everybody.

19 In terms of the parties' proposed cross
20 examination questions, and these are the ones that in
21 addition to the pre-filed ones that you would have, we
22 do intend to offer the parties an opportunity to
23 suggest questions or areas of inquiry to the Board
24 with respect to the particular witnesses or witness
25 panels that we're seeing. And I think our approach on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this is going to be sort of two-fold.

2 When we begin to see your cross
3 examination questions you're proposing, and we're
4 thinking about them as our own, it may well be that
5 there is going to be -- this is going to break into
6 certain areas of inquiry for the different witnesses.
7 It may well be that we would stop it from time to
8 time, and ask you if you have any questions or areas
9 that you want the Board to take up.

10 You have an option at that point. If you
11 wish to tell us something orally, you can certainly do
12 that. It's on the record, but, obviously, everybody
13 knows what you're asking the Board to ask, so that
14 would be up to you. If you prefer to give us
15 something in writing, you can do that, as well. I
16 don't necessarily want to take a lot of time stopping
17 to allow parties to give us written questions. Having
18 said that, we will do that, if it seems to be
19 necessary.

20 We also at the end of each Board or panel
21 - I'm sorry, witness panel -- individual witness, or
22 witness panel, will offer again another opportunity to
23 suggest questions, so sort of as a wrap-up
24 opportunity. And, again, that will be up to you as to
25 whether you want to give them to us in writing, or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 orally. And, again, if you do want to give them to us
2 orally, it will be on the record. We're not going to
3 allow anybody to come up and whisper in our ear,
4 frankly. You're going to have to basically put it on
5 the record. If you give it to us in writing, we'll
6 assume, unless you tell us otherwise, that you want us
7 to -- that you want those questions to be treated as
8 your pre-filed questions were, which means they don't
9 go into the record until we issue the initial
10 decision. If you prefer that we put them on the
11 record immediately, we can certainly do that, but that
12 wouldn't be what we'd do absent you telling us to do
13 something different. So that's sort of how we hope
14 that will play out.

15 That means that to some degree, I don't
16 think most -- I don't know how you want to set up the
17 logistics of that. Obviously, if you have a computer
18 there and you type them, but you have to have some
19 place to print them, because we have no way of
20 generating them in the hearing room. So I hope, if
21 you want to do them in writing, you have at least
22 decent handwriting, much better than mine, hopefully.
23 But that's sort of something for logistics to think
24 about, but we will be offering opportunities from time
25 to time to provide the Board with specific questions,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 or with general areas of inquiry. And we will
2 generally caucus about those, and decide whether we
3 think they are or are not appropriate to go into, and
4 we'll move on from there.

5 All right. Anything you want to say about
6 that, Judge Trikouros? You've had a little bit
7 experience in this.

8 JUDGE TRIKOUROS: No. That's fine.

9 CHAIRMAN BOLLWERK: Okay. All right.

10 MR. MOORE: Your Honor?

11 CHAIRMAN BOLLWERK: Yes?

12 MR. MOORE: This is Grady Moore.

13 CHAIRMAN BOLLWERK: Yes.

14 MR. MOORE: I had a question about that.
15 Did you intend to cover both direct or redirect, and
16 cross and recross with what you just went through,
17 both questions posed to your own witnesses, and to the
18 other side's?

19 CHAIRMAN BOLLWERK: Yes. In other words,
20 when we stop for a question, anyone can propose a
21 question to that witness, generally speaking. Having
22 said that, we may or may not allow someone to begin
23 redirect on that witness. That would obviously be
24 from the sponsor of the witness. We'll listen to the
25 question, decide whether we think we need to go into

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that or not, but yes.

2 MR. MOORE: Thank you.

3 CHAIRMAN BOLLWERK: All right. One thing
4 I should mention that we may do, if we decide that we
5 - perhaps, after having heard all the witness panels
6 on a particular issue, decide that maybe we have some
7 questions that would be in the nature of rebuttal.
8 I'll put that word in quotes. It may well be at that
9 point, we might actually empanel at one time all the
10 witness panels, or individual witnesses, and sort of
11 ask them questions, directing different questions to
12 different witnesses, and perhaps having other
13 witnesses from other parties respond to the questions
14 we're asking. So that would be a potential rebuttal
15 technique that we might use, just so that you're aware
16 of it, and it doesn't come as a surprise to you, if we
17 do decide to do that. We may not do that. I don't
18 know, but that is something that is a possibility.

19 And, again, I would mention that with
20 respect to any particular witness or witness panel, we
21 may or may not accept suggested questions, or areas of
22 inquiry. Again, don't read too much into that. It's
23 simply a question of where we think the record should
24 be going in terms of our responsibility to develop it.

25 Let me stop there, and see if there's any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 questions about cross examination, and how that will
2 be -- maybe Board inquiry or Board questions, and how
3 that's going to be conducted at the contested case.

4 MR. BLANTON: I have a couple.

5 CHAIRMAN BOLLWERK: Surely.

6 MR. BLANTON: First, does the Board expect
7 anything of the witness on direct other than to
8 confirm that this is -- the pre-filed testimony is
9 that witness' testimony, and is still their testimony
10 and the sponsor of the exhibits.

11 CHAIRMAN BOLLWERK: Yes, that's it.

12 MR. BLANTON: Okay.

13 CHAIRMAN BOLLWERK: They need to affirm
14 that this is their testimony, exactly.

15 MR. BLANTON: So we would go, we would
16 file the pre-filed direct, and admit the exhibits, and
17 go straight into cross.

18 CHAIRMAN BOLLWERK: That's correct.

19 MR. BLANTON: All right. The second thing
20 is, it occurs to us that although we have some
21 witnesses who presented their pre-filed testimony as
22 a panel, that the Board's questioning might be more
23 efficient, or at least the witness' testimony might be
24 more efficient if witnesses who presented individual
25 pre-filed testimony appear to the Board as a panel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Does the Board have any preferences one way or the
2 other about that? And, if so, do you want advance
3 notice about who's on what panel, or can we just do
4 that at the hearing?

5 CHAIRMAN BOLLWERK: I think it would
6 better to have pre-notice. In one sense, it will also
7 help us to set up when we're doing the Digital Data
8 Management System, which we're going to talk about,
9 how we set that up, and how you'll see it presented.
10 So I think some notice -- could you do that, say, for
11 instance, on the 2nd of March when you -

12 MR. BLANTON: Absolutely.

13 CHAIRMAN BOLLWERK: Is that a problem?
14 All right. I think it would be good for everybody to
15 know if there's going to be a witness panel, who that
16 is, and how it's going to be put together. All right.
17 Is that enough time for you, Andy?

18 MR. WELKIE: Yes.

19 CHAIRMAN BOLLWERK: Okay. All right. Any
20 other questions?

21 All right. Let's talk for one second about
22 the transcript. I'd mentioned that the Board was
23 probably going to do an overnight transcript. I've
24 been thinking, however, given this is a Subpart L -
25 two things. A Subpart L proceeding, and also that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 most of these -- at least at this point it looks like
2 only one of the -- excuse me, the particular
3 contentions we're dealing with is likely to go into
4 two days. Does it make sense from your perspective to
5 have an overnight transcript? You are not going to be
6 combing it for cross examination questions, because in
7 theory (a) where there's limited ability to do that;
8 and (b) probably will be done with that particular
9 contention by the time you get the transcript. So,
10 again, part of it, I want to get your input.

11 MR. BLANTON: I think I agree, Your Honor,
12 with what you just said at this standpoint, that we're
13 likely to go through these contentions at a rate that
14 a daily transcript isn't very helpful.

15 CHAIRMAN BOLLWERK: Might be useful?

16 MR. BLANTON: Right.

17 CHAIRMAN BOLLWERK: I will say, we would
18 commit to having the transcript done probably three
19 days. That's I think the next option we have on our -
20 - it's one day, then three-day. So that way you will
21 not have any delay in terms of beginning to prepare
22 your proposed findings, if you want to get that,
23 you've got people that need to get to that, we will
24 generate that fairly promptly. But, again, there is
25 a cost to an overnight transcript. If we need it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we'll do it, because that's been the general practice,
2 but I just want to make sure that we're -- in terms of
3 all the parties, whether that expense is useful.

4 MR. SANDERS: Intervenors do not
5 anticipate needing overnight transcripts, and
6 definitely avoid the expense.

7 CHAIRMAN BOLLWERK: Okay. I guess I look
8 to the Staff. In part, what the Board does is what
9 the Staff does, and vice versa.

10 MR. MOULDING: I think from the Staff's
11 perspective, we agree with the other parties.

12 CHAIRMAN BOLLWERK: Okay. All right.
13 Then unless I hear something different from you, we'll
14 plan on probably a three-day transcript moving
15 forward. You'll have some head's up, but you'll see
16 it when we do the work order, obviously.

17 All right. I want to talk for a second,
18 I just mentioned about the Digital Data Management
19 System. I'd already indicated that it's our intent to
20 mark the exhibits in this proceeding electronically.
21 This is the first time we've done this on a live
22 basis. We've had the system for several years. It
23 was actually put together for the High-Level Waste
24 proceeding. We have sort of shadowed several
25 proceedings, where we've marked evidentiary material

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in the background, but have not actually put it into
2 the official adjudicatory record. We want to do that.
3 This case started as an E-Filing case. I think it's
4 useful both to us and to the parties to do it this
5 way, in part because this alleviates the need for you
6 all to bring in original and two or three copies. I'd
7 have to look at the rules, of each exhibit.

8 We are going to ask you to bring one copy,
9 in case there's any problems with our electronic
10 system. We don't want to have to stop everything, but
11 that means that if there is, we will take the
12 responsibility for making sure they get marked, put
13 into the evidentiary record, and additional copies
14 being made to the degree SECY or anyone else needs
15 those. So that one paper copy of your transcript, I'm
16 sorry, of your exhibits is really a backup. And you
17 can have them in a box, and never get them out, but I
18 think it would behoove us all in this instance, since
19 this is the first time. And this is also a remote
20 site, that we, unlike doing here in Rockville or in
21 our Las Vegas hearing room, that we probably should go
22 ahead and have one backup copy. If you don't mind
23 doing that, I think that's certainly better than
24 hauling in the number that usually comes out. So if
25 you wouldn't mind doing that, I think it would work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for everybody.

2 In terms of the Digital Data Management
3 System, you saw some of the capabilities here today.
4 And what we're actually planning on doing is bringing
5 a version of that, a remote version we've put
6 together, and setting it up both in Augusta and in
7 Waynesboro when we do the mandatory hearing. The main
8 thing we're going to be doing with it is actually to
9 mark the exhibits, as I mentioned. But we also have,
10 because of some recent arrangements I guess we made,
11 or accommodations, or understandings we've made with
12 the security folks with the NRC, do have the
13 opportunity, if you would like to use it, to make
14 laptops available, one to each party, that would allow
15 you to access the system and utilize it.

16 And what I'm going to do here is stop.
17 Andy Welkie, who is basically our DDMS Project Manager
18 here in Rockville, have him give you a little demo to
19 show you what the system can do. And you can then
20 decide if you're interested in having us make this
21 available to you. There is a little training that's
22 involved. We can do it either beforehand, or for the
23 parties that aren't -- the Staff obviously could do it
24 here. We could probably do it the Sunday, for
25 instance, before the hearing starts. It doesn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 involve more than about a half hour, 45 minutes. So
2 let me have Andy take over at this point and talk with
3 you a little bit. And this would apply to you, as
4 well, Mr. Sanders, so take a good look, and see if
5 it's something you want to use.

6 Again, the computer would be your's to use
7 in the hearing room to access the DDMS. That would be
8 the basic idea. Let me turn it over to Andy.

9 MR. WELKIE: Thank you, Judge Bollwerk.
10 I'm going to go ahead and change the display DDMS for
11 everyone. Mr. Sanders, can you see that okay?

12 MR. SANDERS: Try again.

13 MR. WELKIE: Okay. So, essentially, what
14 would happen is when you log in -

15 CHAIRMAN BOLLWERK: Let me just check.
16 Mr. Sanders, are you okay?

17 MR. SANDERS: We couldn't hear at first,
18 but he seems to be coming through now.

19 CHAIRMAN BOLLWERK: You see this, I take
20 it.

21 MR. SANDERS: Yes, we could see it now.

22 CHAIRMAN BOLLWERK: Okay. Thank you.

23 MR. WELKIE: Essentially, what would
24 happen is when you first log into the system, you'd be
25 presented with a screen that looks similar to this.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And just one caveat; I have all test -

2 MR. SANDERS: We're having trouble
3 hearing. Can you speak up?

4 CHAIRMAN BOLLWERK: Maybe move the
5 microphone.

6 MR. WELKIE: Sorry about that. I yell at
7 other people to do that, and I don't do it myself.
8 So, essentially, what would happen is when you first
9 log into the system, you'd be presented with a screen
10 that looks similar to this. And, again, one caveat is
11 that all my data right now is test data in here. When
12 you go to Augusta, or to Waynesboro, all of the
13 documents that were pre-filed, whether it's the pre-
14 filed testimony, or the pre-filed exhibits, will be on
15 this screen for you with your exhibit number,
16 essentially in this column that's marked "Official
17 Exhibit Number Party Exhibit Number." So they will be
18 in this field with your Party Exhibit Numbers.

19 There are three parts of the screen that
20 I want to bring your attention to. The first one is
21 the schedule documents. In this portlet, and that's
22 what we call these little windows, or portlets, all of
23 the documents that you've pre-filed, except for the
24 pre-filed testimony, will appear in this schedule
25 documents portlet. They'll be sortable by title,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sortable by Official Party Exhibit Number. And,
2 again, we're going to set the duration for the entire
3 week, just so they're all there.

4 Scheduled Pre-Filed Testimony will appear
5 in this portlet, so all of your pre-filed testimony
6 will appear in this single portlet. It'll, again,
7 have its title as it's entered into the Electronic
8 Information Exchange System.

9 As Judge Bollwerk mentioned, as a document
10 is identified for the record, the clerk of the court
11 will run a process that takes this document here and
12 puts an electronic stamp on the document. So let me
13 just open this up to show you that this is a document
14 without a stamp. I'm bringing your attention to this
15 upper corner. There is nothing right now in this
16 corner.

17 As the document is identified, we'll run
18 through a process to stamp that document. And that's
19 going to put a stamp in the upper right corner
20 electronically on the document, so there will be no
21 paper stamping of the documents. Everything will
22 happen electronically. At the end of the hearing,
23 we'll run a process to take these documents out of
24 DDMS to put them into our Official Agency Record
25 System, ADAMS, and then they will also make their way

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 back down into EHD, so they'll be available for the
2 public to see. So this stamp up here in the corner is
3 going to be the official copy of that document.

4 The document that's filed through EIE is
5 still available, so we're taking that pre-filed
6 document, making a copy of it, and creating the
7 exhibit from that original document. So you can use
8 that document again for the mandatory hearing the
9 following week, so you don't have -- I believe there
10 was an order that went out. Those documents don't
11 have to be re-filed, so you use the same filing for
12 both portions of the -

13 CHAIRMAN BOLLWERK: Right. We'll simply
14 give them a different exhibit number.

15 MR. WELKIE: Right. And notice we're
16 changing the Party Exhibit Number, which again would
17 be the ones that you assign. We're adding some
18 additional data to it, to identify that it is now an
19 official exhibit.

20 That's really the three portions of the
21 screen that would really be applicable in March.
22 Certainly, we're also going to be able to display
23 documents from the system, so if you find that you
24 need your witnesses to see a specific document, or the
25 Judges wish to have a document displayed, we'll have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 a PC that we can actually take and display those
2 documents up for everybody to see, just like we did
3 for the Staff presentation this morning.

4 It also has some full-text capabilities,
5 and then when we do the training, I can show you guys
6 how to do that. If you want to search the entire
7 repository of the local data, you can run a content
8 search and look for anything that you might want to
9 use while you're there.

10 CHAIRMAN BOLLWERK: Now, you would be
11 accessing this via a wireless hookup. That's the
12 thing that's changed. Before we were -- in terms of
13 using the system remotely. All this is hardwired in
14 this room, obviously. We are now allowed to put a
15 wireless hookup, a broadband card into each one of
16 these computers so that you could access the system
17 remotely.

18 The other advantage to you, if you want to
19 use it, is once you have -- you've been trained on the
20 system, you have a user name and a password, then you
21 can continue to use the evidentiary material, whatever
22 else is in the system throughout the balance of the
23 proceeding. So in writing your proposed findings of
24 fact and conclusions of law, you would have access to
25 the system. It's a web-based system. You can get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 into it from your office, from your home, from your
2 hotel, wherever, and access it that way. So, again,
3 once you're trained on the system, you have
4 accessibility to it. You want to say something?

5 MR. WELKIE: Yes. Just one other thing.
6 We do intend to videotape the proceeding in March. We
7 actually are videotaping this one here today. And,
8 actually, if I could just switch back real quick, this
9 is the proceeding that we recorded this morning. So
10 this was three hours ago, so this video will be
11 available to you through DDMS, as well as all the
12 other videos from the Augusta hearing, as well as
13 Waynesboro.

14 CHAIRMAN BOLLWERK: And we hope at some
15 point to be able to actually put the transcript and
16 the video together so you can search one. You think
17 that's going to happen in this instance?

18 MR. WELKIE: Potentially.

19 CHAIRMAN BOLLWERK: Potentially. So you
20 would actually have a searchable transcript where you
21 could -- if we can work it out, you would be able to
22 search the transcript, click on the line of the
23 transcript and the video would open, and you can watch
24 it. So that's where we're headed with this.

25 This is something for you to think about.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 It's not something you have to do, but it's something
2 we're willing to make available. It may well be if
3 you have a particular attorney within your group that
4 is sort of a techno weenie, this might be the perfect
5 thing to keep that person busy during the hearing. So
6 the main thing that you have to do is you -- to get
7 access to the system, requires a user name and a
8 password. We can issue that after a brief training
9 session. We do have to train you. There are some
10 security rules that we have to review with you, and
11 you have to execute what are called the Rules of
12 Behavior, which means you understand how the system is
13 to be used. Our security folks are very insistent on
14 that, given it's an agency system.

15 In terms of the Staff, there are actually
16 a couple of training sessions coming up for the High-
17 Level Waste participants, but you all can honestly
18 participate, on February the 26th at 1:00, and
19 February 27th at 9 a.m. It also is possible, if that
20 doesn't work for you, that if you'd contact Andy
21 Welkie, he may well be able to do something else for
22 you, as well. He's a pretty flexible guy, and he
23 loves to train people on the system, because he wants
24 people to use it, frankly.

25 In terms of the other participants, we are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 more than willing to try to give you -- if you're
2 going to be in Augusta on Sunday, we hope to have the
3 hearing room, the facility set up by around 5:00. We
4 would be glad to train folks at 5:00, or sometime
5 thereafter. Again, Andy Welkie will be glad to talk
6 with you about setting up training sessions. The main
7 thing, though, you do have to be trained and get the
8 password and the user name. And, again, the computers
9 that we provide you will be for use in the hearing
10 room only. Having said that, you can access the
11 system through the web, so that's another option for
12 you.

13 So it's something to think about. If
14 you're interested in the training, should I have them
15 get in touch with you directly, Andy? Is the best
16 way, you think?

17 MR. WELKIE: That's probably the best way.

18 CHAIRMAN BOLLWERK: Andy Welkie, A-N-D-R-
19 E-W.Welkie W-E-L-K-I-E@NRC.gov. And do you want to
20 give them your phone number, if they want to contact
21 you directly?

22 MR. WELKIE: Sure. Our phone number is
23 (301)415-6541.

24 MR. BLANTON: Could I get that email one
25 more time, a little slower.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BOLLWERK: Sure.
2 Andrew.Welkie@NRC.gov. All right.

3 MR. BLANTON: I assume if we get one or
4 two people on our team trained, they can operate the
5 system while the dinosaurs do the other things.

6 CHAIRMAN BOLLWERK: Yes. I think we can -
7 we do have a limited number of user names and
8 passwords, but I think we can probably, for this
9 proceeding, if parties want more than one, we could
10 probably do two, at least, I would think.

11 MR. WELKIE: Yes. That should not be a
12 problem.

13 CHAIRMAN BOLLWERK: Right.

14 MS. SUTTON: Your Honor, we have a
15 question as to how early that information needs to get
16 to Mr. Welkie.

17 CHAIRMAN BOLLWERK: Surely.

18 MS. SUTTON: Can it be as late as Sunday
19 morning, or do you need it at least a week in advance?

20 MR. WELKIE: Which information is that?

21 MS. SUTTON: That you would want to
22 participate in the training and get a password.

23 MR. WELKIE: Sure, it could be that
24 morning. That's fine. I don't have any issues.

25 MS. SUTTON: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BOLLWERK: And, again, Mr.
2 Sanders, I don't know if this is something you're
3 interested in. Some of the law students you're going
4 to be bringing with you might be, I don't know. But
5 we will make one computer available to you all if you
6 want to do it.

7 MR. SANDERS: Thank you. It seems
8 interesting, and if we can manage it, we will take you
9 up on the offer.

10 CHAIRMAN BOLLWERK: All right. Thank you,
11 sir. Again, make sure you get a hold of Mr. Welkie in
12 terms of training. That's the main thing.

13 MR. SANDERS: Yes, sir.

14 CHAIRMAN BOLLWERK: All right. One other
15 question on the contested hearing, it appears from
16 what we -- through the feedback we got from you all
17 previously that there will not be any confidential
18 information involved. And I just wanted to, at least,
19 confirm that at this point. I know you all had
20 indicated you had talked about it. There was a
21 protocol you could use, but is there anything - and
22 I recognize rebuttal is still to come, so I just want
23 to see if there's anything you're thinking about
24 that's going to be confidential?

25 MR. BLANTON: From the Applicant's stand -

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 - based on everybody's direct, we don't see anything,
2 Your Honor.

3 CHAIRMAN BOLLWERK: All right. Anything
4 Staff wants to say?

5 MR. MOULDING: That is the Staff's
6 understanding, as well, Your Honor.

7 CHAIRMAN BOLLWERK: All right. Mr.
8 Sanders, anything from the Joint Intervenors?

9 MR. SANDERS: We're going to try to avoid
10 using confidential information. We have one little
11 issue that we're considering. But, as I said, I think
12 at this time, I could say that we're not going to use
13 it. And we will certainly inform the other parties if
14 that changes.

15 CHAIRMAN BOLLWERK: All right. If that
16 does come up, and you need to talk with the Board, let
17 us know. Again, for the reasons you all I think have
18 endorsed, we'd prefer to keep this a public proceeding
19 throughout. If it's not going to happen that way, we
20 need to talk as soon as possible, simply so we make
21 sure that whatever we need to do, we minimize that
22 possibility.

23 Again, particularly when we're going to
24 the area where the facility is, folks come to the
25 hearing, we hate to show up and say we're here, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you can't see what we're doing. I had that happen in
2 Private Fuel Storage, and it makes people very
3 uncomfortable. You've got to do what you've got to
4 do, but I'd prefer to avoid it as much as possible.

5 All right. In terms of the mandatory
6 hearing, again, this is the mandatory hearing the
7 Board will conduct with the Applicant and the NRC
8 Staff. That's Monday through Wednesday, March 23rd
9 through the 25th. It will be held at the Augusta
10 Technical College in Waynesboro. We would propose to
11 use the same facility we used for the initial pre-
12 hearing conference for this particular proceeding.
13 You all probably remember that. It's been a while,
14 but I think you probably have a recollection of it.

15 The one reason we wanted to do something,
16 go back to Waynesboro, given the one problem - not
17 problem, but the issue with the Technical College was,
18 they really couldn't make breakout rooms available to
19 us. I don't think that will be an issue with the
20 mandatory hearing, in terms of the need to caucus and
21 have a lot of witness conferences. So if that is an
22 issue, let me know, but at this point, we're not
23 planning on having them providing us any space like
24 that. So talk among yourselves, if that's a problem,
25 let me know. But, again, that's not what we've asked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 them for at this point. It may well be, if you're
2 adamant about it, or very concerned, we can go back to
3 them and see if they can make a classroom available.
4 But that's a working facility, so I'm not sure what we
5 could arrange with them. We do have the large
6 conference room. Obviously, there's corners you can
7 go to that would be less accessible than others, but
8 we hadn't planned on having breakout rooms. And the
9 Board, frankly, I don't think is going to have one
10 either, so that's kind of why we wanted to go back to
11 Augusta and use that room. Okay? Any questions about
12 that?

13 MR. BLANTON: We don't anticipate needing
14 breakout rooms.

15 CHAIRMAN BOLLWERK: Okay. If the Staff
16 has a problem, get back to us.

17 All right. The presentation times, we
18 currently have 10 topics. We should be able to do it
19 in three days; although, it may be tight. Part of it
20 depends on the number of questions the Board asks. If
21 you take the time that you all gave us before we
22 talked about the additional time that you all talked
23 about today, as well as these additional issues, and
24 you doubled it, it fits right in what we've got. Now
25 that we're adding more time, potentially, we need to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 pay attention to that. Part of it, again, is the
2 Board. We have to make sure we're efficient in what
3 we're asking you, and hopefully the people making the
4 presentation is going to be efficient, as well, and
5 we'll get it all in in three days. I think there's a
6 pretty good chance we will.

7 In terms of the topics, I think we've
8 already had you all clarify the one. And I mentioned
9 the additional ones that perhaps we will add. And,
10 hopefully, by the end -- well, by the end of next week
11 we'll let you know one way or the other what
12 additional topics we have, if there are any, and let
13 you know what they are.

14 I did not see any witness restrictions on
15 availability during those three days. Is that still
16 the case? I don't think we have a problem, frankly,
17 with the way you laid out the -- the way that we'd
18 proceed, but is there any witnesses that you would
19 anticipate aren't available on a particular day? You
20 don't have to tell us that now, but if there is, we
21 should know that. There may be ways we can rearrange
22 things so that we make sure that if someone absolutely
23 has to leave, we get them on earlier rather than
24 later.

25 Well, that's something to think about,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 again. And you should get back to us in the near term
2 on that. If there were that sort of issue, do you
3 think you can get back to us in the next week or 10
4 days?

5 MR. BLANTON: Yes, sir. I'm not aware of
6 any of our's right now.

7 CHAIRMAN BOLLWERK: Okay.

8 MR. BLANTON: And we'll make sure that we
9 confirm that when we get back home.

10 CHAIRMAN BOLLWERK: All right.

11 MR. MOULDING: For the Staff, at this time
12 we're not aware of any specific restrictions.

13 CHAIRMAN BOLLWERK: Okay. Well, again, if
14 there is, probably within say the end of next week,
15 why don't you let us know, and we'll work from there.
16 Again, there may be ways that we can rearrange the
17 topics. We have a number of topics, if it comes up.
18 But at this point, we're assuming when we go to a
19 topic, the people that we need to be talking to are
20 going to be there. And if the topic takes half the
21 time we take, or twice as long that you all have
22 assigned the topics, we'll just keep moving through
23 them.

24 We will use the DDMS for the evidence
25 markings, so that all the exhibits need to be pre-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 filed electronically. It sounds like, I think in most
2 instances, they probably will be -- at least part of
3 them will be in the contested case. And, again, we
4 can remark them so you don't have to re-file them.
5 Although, you will need to make sure they're
6 identified as part of the mandatory hearing.

7 Any questions about the marking system for
8 the pre-filed exhibits, vis a vis the contested
9 proceeding versus the mandatory? No? All right.

10 We will plan on probably, unless you have
11 another reason for us to do it, probably putting any -
12 - to the degree there is a Staff and an Applicant
13 panel with respect to a particular presentation area,
14 we probably will just swear them in contemporaneously,
15 or at the same time. Have them seated both at the
16 same time.

17 Any pre-filed exhibits that you have that
18 relate to a particular panel, my preference would be
19 to identify and admit those as they are referenced in
20 the discussions. That way we can make sure that we
21 don't admit a bunch of documents that are never tied
22 into anything that's said by anybody. So that may
23 slow things up slightly, but I think it will make for
24 a better record in the end, so you should be aware of
25 that. So if you have a bunch of exhibits that you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 planning on having this witness sponsor, or this panel
2 sponsor, we're going to deal with those, not at the
3 beginning like we do with pre-filed testimony. That's
4 one of the advantages of pre-filed, we know what's
5 coming in. We can mark them all, and move forward
6 with them at the beginning. With these, I don't know
7 where you're going to go, so I'm going to wait and see
8 what comes up in the conversation. And when an exhibit
9 is referred to, and you should warn your witnesses of
10 this, as well, they need to be up on their exhibit
11 numbers. Once we hear the number, then we'll -- if it
12 hasn't already been identified and admitted, then
13 that's when we'll take care of that issue. So that
14 would be the way I would propose to proceed, and that
15 way we'll make sure we have a clean record with
16 evidentiary material that has something to do with
17 what was talked about.

18 Okay. I will ask the same question about
19 the mandatory as I did about the contested. Any
20 confidential information? Didn't sound like it, but,
21 again, I want to make sure we're keeping our eye on
22 that ball in case there's a problem.

23 MR. BLANTON: Not that I'm aware of, Your
24 Honor.

25 CHAIRMAN BOLLWERK: Well, again, if that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 changes, sooner rather than later is when you should
2 let us know.

3 MR. BLANTON: Your Honor, I think you've
4 mentioned this a minute ago, and if you did, I
5 apologize. But if an exhibit is admitted, I'm
6 thinking of the FEIS.

7 CHAIRMAN BOLLWERK: Right.

8 MR. BLANTON: If the exhibit is admitted
9 in the contested proceeding -

10 CHAIRMAN BOLLWERK: We're going to remark
11 it.

12 MR. BLANTON: -- we're going to carry it
13 on, or remark it?

14 CHAIRMAN BOLLWERK: No, we're going to
15 remark it.

16 MR. BLANTON: Okay.

17 CHAIRMAN BOLLWERK: So that there will be
18 - and you will see with respect to the transcript,
19 there will be the mandatory transcript will have a
20 marking, probably an M with each page number so we'll
21 be able to distinguish between the contested and the
22 mandatory, so there's no confusion about where
23 something did or didn't come in.

24 One of the advantages, frankly, of the
25 Digital system is, admittedly, we're duplicating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 things, but we're duplicating them in a way that's not
2 generating, frankly, a lot of additional paper. I
3 mean, there are files that are duplicated, but I'd
4 prefer to keep it all clean, and neat, and everybody -
5 - I just felt -- this goes back to my days with the
6 Appeal panel, and sometimes the records were mind-
7 boggling in terms of the appellate process, trying to
8 figure out what or wasn't in. And I try to be very
9 careful about that.

10 MR. BLANTON: So from our standpoint, when
11 we submit our presentations and exhibits on March 2nd.

12 CHAIRMAN BOLLWERK: Yes.

13 MR. BLANTON: If the panel is discussing
14 an exhibit that we've already pre-filed in the
15 contested hearing.

16 CHAIRMAN BOLLWERK: Yes.

17 MR. BLANTON: Do we need to pre-file it
18 again for the -

19 CHAIRMAN BOLLWERK: No, you don't need to
20 pre-file it again, but you do need to make sure we
21 know it's a mandatory hearing exhibit relative to that
22 panel.

23 MR. BLANTON: Okay.

24 CHAIRMAN BOLLWERK: And it might well be -
25 - I don't think we asked for this, but it might well

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 be, just to make it simpler for maybe you, and for us,
2 would anybody have an objection for mandatory, for
3 exhibits that were already put into the contested
4 case, say when you file your exhibit list with us,
5 just putting an asterisk next to those, so we know
6 that they were already in?

7 MR. BLANTON: Sounds like a reasonable
8 thing to do.

9 CHAIRMAN BOLLWERK: We might well be able
10 to tell because of the numbering. Your contested case
11 is going to stop at some point, and then you're going
12 to be adding. But on the other hand, it might be
13 easier for everybody if we can spot those right away.
14 If that's not too big a burden on you, that might be
15 useful.

16 I think we've already asked for any
17 confidential information bolded on those exhibit
18 lists. Why don't we say if an asterisk would work for
19 folks, or some other designation, that you can
20 indicate to us that this came in during the -- this
21 was put in as a contested issue exhibit, and we're now
22 trying to have it put into the mandatory side. I
23 think that would be useful. Does that make sense to
24 you? All right.

25 This is the keeper of the exhibit list

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 over here, so I want to make sure I keep myself in
2 sync with Wen. If I don't, I'm going to get in
3 trouble. Okay.

4 All right. A couple of other things I
5 have on limited appearances, but let me just stop
6 there and see, anything on the contested hearing, or
7 the mandatory hearing that you want to bring to the
8 Board's attention, concerns you have, questions about
9 how we're going to do things? Anything?

10 MR. SANDERS: I'm sorry about that. We
11 just one question.

12 CHAIRMAN BOLLWERK: Surely.

13 MR. SANDERS: That was for the opening
14 statement, your order said 15 minutes and one speaker.
15 Is that for each contention, or is that at the first
16 day an opening statement to cover the entire hearing?

17 CHAIRMAN BOLLWERK: I had kind of
18 contemplated that as being one statement to cover the
19 entire hearing. Do you have a problem with that, or
20 do you think you need more time?

21 MR. SANDERS: No, that was my
22 understanding, as well. We just wanted to be clear,
23 because we weren't positive when we were talking here
24 amongst ourselves.

25 CHAIRMAN BOLLWERK: Right. Now, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 recognize that you have some student attorneys, and
2 you probably saw the order we issued, which would
3 permit that. If, and I will look to the other parties
4 here, but if you have three issues and you have three
5 students that want to make a statement, if the other
6 parties don't have an objection, I think the Board
7 would be willing to, for the good of the order, and
8 legal education, to allow those folks to each speak
9 individually. What's your preference?

10 MR. SANDERS: Well, we absolutely
11 appreciate that opportunity. I'm sure our students
12 would be appreciative, as well. But, again, we ask
13 for no special consideration, and appreciate that
14 you've already given us a little.

15 CHAIRMAN BOLLWERK: All right. Do the
16 other parties have an objection to that?

17 MR. BLANTON: None from us, Your Honor.

18 CHAIRMAN BOLLWERK: I don't think they're
19 trying to double-team you. That's always a concern
20 with two or three folks just show up and kind of pick
21 on one party, or one attorney. But I don't think that
22 would be the case here. The thing to do would be to
23 let us know that at some point, if that's what you
24 intend to do.

25 MR. SANDERS: Okay. Yes, Your Honor, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 will. I think Mr. Moore has something he wants to
2 say.

3 CHAIRMAN BOLLWERK: Yes.

4 MR. MOORE: Just a question for
5 clarification. Does that mean that we're now reading
6 the order, assuming that Mr. Sanders identifies three
7 students or some combination, that each of the parties
8 should assume there'll be an opening statement for
9 each contention, and that we would do the same thing?

10 CHAIRMAN BOLLWERK: Well, again, my hope
11 was that the Applicant would get up and give their
12 opening statement, that the Staff would get up and
13 give their opening statement, that the Intervenors
14 would get up and give their opening statement. I
15 think what I was contemplating was that Mr. Sanders
16 would work out a way, if he had two or three students,
17 that perhaps let each take five minutes on their
18 issue. But it would all be a, I won't say a unified
19 presentation, but it would all be at one time, rather
20 than Issue A, Issue B, Issue C.

21 But having said that, if the parties feel
22 that it would work better, I was trying to give you
23 the maximum flexibility in terms of how much time you
24 want to spend on any given issue. I thought perhaps
25 with respect to Contention 6, for instance, you might

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 want to spend more time on that. And I didn't want to
2 be limiting you to five minutes, so that everybody had
3 equal time.

4 MR. BLANTON: What you just outlined is
5 acceptable to the Applicant, Your Honor.

6 CHAIRMAN BOLLWERK: All right.

7 MR. BLANTON: I think if you start trying
8 to chop it up into five-minute pieces, you take half
9 your time introducing yourself, so it makes more sense
10 just to do it once.

11 CHAIRMAN BOLLWERK: Staff have anything
12 they want to say?

13 MR. MOULDING: I think that's acceptable -

14
15 CHAIRMAN BOLLWERK: I recognize that puts
16 a little bit bigger burden on Mr. Sanders because he's
17 got 15 minutes, and he has to work maybe three
18 students in. He'll take that into account, as will
19 we, and hopefully it will all proceed forward
20 smoothly. All right. Does that answer your question?

21 MR. MOORE: Yes, it does. Thank you.

22 CHAIRMAN BOLLWERK: Okay. All right.
23 Anything else then on the mandatory or contested
24 hearing?

25 All right. Then let me mention one other

1 thing. We are planning on doing some limited
2 appearance sessions. We had some in Augusta, and we
3 felt it was appropriate to come down to Waynesboro and
4 do some, as well, in case there were members of the
5 public from that area, which is closest to the
6 facility, that wanted to address the Board.

7 We've currently scheduled those, we
8 haven't put out a notice yet, but I wanted to make you
9 aware of it, for Sunday, March 22nd from 3 to 5 p.m.
10 in the afternoon, and also Monday, March 23rd from 7
11 to 9 p.m. These would both be in Augusta in the
12 Technical College in that room that we're going to be
13 using for the hearing.

14 You all, obviously, are invited to attend,
15 as you were with the prior set. And we'll have a
16 table there, if each of you wish to participate, or to
17 be in attendance. We'll probably be issuing the notice
18 probably early in February. It will make it official,
19 but I wanted to make you aware of it. And we will not
20 be limiting the parties to -- the public commentators to
21 either ESP or COL. We will basically be allowing
22 comments on anything dealing with Vogtle, the combined
23 license or the Early Site Permit. It's not clear to
24 me that the members of the public necessarily would
25 draw that distinction, in any event. And I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 think it makes a lot of sense at this point, so we
2 will basically be having a limited appearance session
3 on the Vogtle ESP and COL.

4 All right. Does anybody know that they
5 wouldn't want to be there at this point? I recognize
6 that would involve some staying over potentially on
7 the Joint Intervenors' part, or maybe you have someone
8 in the area that would represent you. I don't know.

9 MR. SANDERS: We -- I believe we would
10 have at least one person for the mandatory hearing,
11 including the limited appearance statements. I'm not
12 sure who that will be yet.

13 CHAIRMAN BOLLWERK: All right. You have
14 somebody there monitoring it, obviously. All right.
15 That's fine. Well, now you all know about it, and you
16 can act accordingly. So that would be the plan.

17 Let me just see. We've covered a number
18 of topics. Is there anything else the parties want to
19 raise with the Board at this point about this, or
20 anything else in terms of what we've talked about, or
21 anything else relative to the Early Site Permit
22 proceeding? Do you want to caucus for a second, or
23 are you comfortable? Go ahead.

24 MR. MOULDING: We'd just like just one
25 moment to confer.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN BOLLWERK: Surely. You've got us
2 here now. You might as well take your shot.

3 Judge Jackson, do you have anything?

4 JUDGE JACKSON: No.

5 CHAIRMAN BOLLWERK: All right.

6 MR. BLANTON: I think the Applicant is out
7 of questions, Your Honor.

8 CHAIRMAN BOLLWERK: All right. Mr.
9 Sanders, anything from your end?

10 MR. SANDERS: No.

11 CHAIRMAN BOLLWERK: I should mention, it
12 is my understanding that we will be in the same room
13 in Augusta. They have several conference rooms
14 together, but I think we'll be in the same two rooms
15 we had before.

16 MR. BLANTON: Yes, sir.

17 MR. MOULDING: I would like to add a brief
18 question or comment regarding the seismic presentation
19 that we discussed earlier.

20 CHAIRMAN BOLLWERK: Okay.

21 MR. MOULDING: And the additional time
22 that the Staff thinks it would need to include in its
23 presentation about the seismic aspects of the limited
24 work authorization. I think the Staff anticipates
25 that in presenting on the seismic aspects of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 limited work authorization, it may be helpful to the
2 Board to have an additional bit of background about
3 some other aspects of the LWA request that intersect
4 with those seismic issues.

5 CHAIRMAN BOLLWERK: All right.

6 MR. MOULDING: And if that's the case, I
7 think the Staff would probably include a little bit
8 additional description to lead into that seismic
9 discussion.

10 CHAIRMAN BOLLWERK: Okay.

11 MR. MOULDING: Which might involve a
12 little bit of additional time.

13 CHAIRMAN BOLLWERK: All right.

14 MR. MOULDING: Again, this is premised on
15 your interest is primarily in the seismic issues
16 associated with that, but some context it sounds like
17 may be helpful.

18 CHAIRMAN BOLLWERK: Right. But I think we
19 have a presentation on LWA, as well, don't we?

20 MR. MOULDING: We do. Although, my
21 understanding was that that was focused primarily on
22 the environmental aspects and its correlation with the
23 site -

24 CHAIRMAN BOLLWERK: Right.

25 MR. MOULDING: Which wouldn't necessarily

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 get into the broader technical scope of the limited
2 work authorization.

3 CHAIRMAN BOLLWERK: Okay. Talking 10 or
4 15 minutes, probably?

5 MR. MOULDING: Probably more like 5 to 10
6 minutes.

7 CHAIRMAN BOLLWERK: Okay. So we're
8 talking 60 to 70 before, we're probably talking 70 to
9 80, or 70 to 90. I don't know what -

10 MR. MOULDING: Very briefly, I can refer
11 part of this question to the Applicant. It sounds
12 like they were already going to be addressing some
13 aspects of the limited work authorization in their
14 portion of the presentation. They are going first on
15 that presentation, so it's possible that some
16 background may already be integrated into what the
17 Applicant is planning to present.

18 MR. BLANTON: Yes. It's my understanding
19 that that present -- that our estimate of time already
20 included addressing the issues in the June letter that
21 are referred to in the order regarding the delay in
22 the SER. So it may be that we cover some of those,
23 but I can't say right now that we're going to cover
24 them to the extent that the Staff would want to cover
25 them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. MOULDING: Right. I guess I would
2 just say that perhaps the 5 to 10 additional minutes
3 for the Staff may actually be less than that, if that
4 is, in fact, partially duplicated by what the
5 Applicant would be presenting in its lead
6 presentation.

7 CHAIRMAN BOLLWERK: So somewhere around 75
8 to 80 minutes, probably then?

9 MR. MOULDING: I think that sounds
10 appropriate.

11 CHAIRMAN BOLLWERK: All right. Okay.
12 Anything else any of the parties has at this point?

13 All right. I mentioned at the beginning,
14 and, again, we did appreciate your presentations
15 during the Combined License proceeding, the pre-
16 hearing conference we had on that. I think it did add
17 substantially to the Board's knowledge, and we do
18 appreciate, again, your efforts in that regard.

19 Again, Mr. Sanders, I'm glad things worked
20 out for you in Atlanta. It looks like a good fit, at
21 least in terms of this proceeding.

22 MR. SANDERS: Yes, it works perfectly. I
23 would recommend it for you in future proceedings.

24 CHAIRMAN BOLLWERK: All right. Thank you,
25 sir. A couple of folks I need to say thank you to,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 because a lot of work went into this sort of in the
2 background. Sean Flynn of NRC's Region II staff, as
3 well as other members of the Region II staff that
4 really helped coordinate, getting our video conference
5 together with the Atlanta office, and we do appreciate
6 the cooperation we received from Region II. Our IT
7 Specialists here, Andy Welkie and Jim Cutchin, who did
8 a lot of work setting this up. Thank you for your
9 DDMS presentation. And Wen Bu, our law clerk, who
10 spent a lot of time, as well as Ashley Prange, who's
11 sitting back there in the back. She's another one
12 that skated in here today at about 7:30 in the
13 morning, so we do appreciate, as well as the other
14 members of the NRC or the ASLBP administrative staff
15 that helped us out.

16 Something like this, I think worked out
17 fairly well. You were pretty happy, weren't you,
18 Judge Jackson?

19 JUDGE JACKSON: Yes, it worked out well
20 for me.

21 CHAIRMAN BOLLWERK: All right. But it does
22 take a little bit of extra coordination, but I think
23 it did work out. We appreciate your flexibility in
24 terms of the starting time today. I think on the
25 whole, we need to get everybody out to lunch now, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 did work well in terms of anybody necessarily killing
2 themselves getting in here.

3 Anything else, Judge Trikouros? Judge
4 Jackson?

5 JUDGE JACKSON: Nothing else.

6 CHAIRMAN BOLLWERK: All right. Then we
7 again appreciate your efforts this morning, and we
8 will look forward to seeing you in March down in
9 Augusta, and in Waynesboro.

10 MR. BLANTON: Thank you, Your Honor.

11 CHAIRMAN BOLLWERK: Thank you very much.
12 We stand adjourned.

13 MR. MOULDING: Thank you.

14 MS. SUTTON: Thank you.

15 (Whereupon, the proceedings went off the
16 record at 2:01:18 p.m.)
17
18
19
20
21
22
23
24
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

CERTIFICATE

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

Name of Proceeding: Early Site Permit

Docket Number: 52-011-ESP;

ASLB No. 07-850-01-ESP-BD01

Location: Rockville, Maryland

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.



Eric Molten
Official Reporter
Neal R. Gross & Co., Inc.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701