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NUCLEAR REGULATORY COMMISSION

Title: GE-Hitachi Global Laser Enrichment, LLC

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January 26, 2011 (11:50 a.m.)

Docket Number: 70-7016-ML

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Location: (telephone conference)

Date: Thursday, January 20, 2011

Work Order No.: NRC-657

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
(ASLB)

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IN THE MATTER OF: : Docket No.
GE - Hitachi Global : 70-7016-ML
Laser Enrichment LLC :

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Thursday, January 20, 2011

BEFORE:

PAUL S. RYERSON Chairman
MICHAEL GARCIA Administrative Judge
JAMES JACKSON Administrative Judge

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APPEARANCES:

On Behalf of the GE-Hitachi GLE:

DON SILVERMAN, ESQ.

MARTIN O'NEILL, ESQ.

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P R O C E E D I N G S

(1:58 p.m.)

1
2
3 CHAIRMAN RYERSON: Good afternoon
4 everybody. Let's go on the record now with the
5 reporter if we can.

6 I am Judge Ryerson. With me is Hillary
7 Cain, the Board's law clerk. And we have, I believe
8 in Utah, Judge Jackson.

9 ADMIN. JUDGE JACKSON: That's correct.

10 CHAIRMAN RYERSON: In Hawaii, Judge
11 Garcia.

12 We obviously have the reporter on line.
13 We have made lines available for the public or the
14 media, anyone who wanted to listen in on this
15 proceeding. I don't believe anyone has called in for
16 information on how to do to that. But be aware that
17 that is a possibility.

18 With that said, and I know we've just done
19 this apparently without the reporter but could we go
20 through, again, for the record, the counsel
21 introductions or introduction of anyone else who may
22 be speaking on the call, starting with the Applicant,
23 Mr. Silverman.

24 MR. SILVERMAN: Yes, good afternoon. This
25 is Don Silverman. I'm with the Law Firm of Morgan,

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1 Lewis & Bockius. And we represent GE-Hitachi Global
2 Laser Enrichment.

3 MR. O'NEAL: This is Martin O'Neal. I'm
4 also an attorney with Morgan, Lewis, co-counsel to the
5 Applicant and Mr. Silverman.

6 MS. OLIVIER: This is Julie Olivier. I'm
7 a licensing manager for Global Laser Enrichment. And
8 with me is Juliet Bryant, the licensing engineer for
9 Global Laser Enrichment.

10 CHAIRMAN RYERSON: I guess we move then to
11 the staff. Is there anyone else for the Applicant?

12 MR. SILVERMAN: There is not.

13 CHAIRMAN RYERSON: Okay. Thank you.

14 The staff, NRC staff.

15 MS. SAFFORD: Good afternoon. It's Carrie
16 Safford. I'm with the Office of General Counsel and
17 I have some other staff members here. I'll let them
18 introduce themselves.

19 MR. JOHNSON: Tim Johnson, I'm the
20 licensing project manager for the project.

21 MR. SMITH: Brian Smith, Acting Deputy
22 Director, Division of Fuel Cycle Safety and
23 Safeguards.

24 MR. FRAZIER: This is Alan Frazier, the
25 Acting Uranium Enrichment Branch Chief.

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1 MS. DAVIS: Jennifer Davis, Environmental
2 Project Manager.

3 MR. HSUEH: Kevin Hsueh, Chief
4 Environmental Review Branch, NRC.

5 MS. SAFFORD: And that's it for NRC staff.

6 CHAIRMAN RYERSON: Okay. Thank you.

7 Well, welcome everyone. The purpose of
8 today's call, which I think will be a fairly brief one
9 is to discuss necessary revisions to our September 13
10 initial scheduling order in light of changes to the
11 NRC staff's schedule for both the SER and the FEIS.

12 And I'd like to begin with a few questions
13 for the staff. Should these be addressed to you, Ms.
14 Safford in the first instance?

15 MS. SAFFORD: Yes, please.

16 CHAIRMAN RYERSON: Okay. First, how firm
17 is the current estimate of April for both of the staff
18 documents? Is that reasonably firm now? Or still
19 subject to change?

20 MS. SAFFORD: My understanding is that it
21 is reasonably firm. On the environmental side, I
22 believe we have all the information in-house now that
23 we need.

24 And on the safety review side of the
25 house, my understanding is that we have most of the

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1 information. There is perhaps just one other
2 outstanding issue that we're acquiring information.

3 CHAIRMAN RYERSON: Okay. And what is your
4 best guess, if you can, as to when in April these
5 documents might come out? Towards the beginning of
6 the month? Towards the end of the month? Really
7 can't say now. Do we have a sense?

8 MS. SAFFORD: My best guess would be the
9 end of the month.

10 CHAIRMAN RYERSON: The end of the month.

11 MS. SAFFORD: Yes.

12 CHAIRMAN RYERSON: And is there any
13 likelihood of any staggering at all of the releases
14 here? Or you are expecting to pretty much issue both
15 documents at the same time?

16 MS. SAFFORD: Probably about the same
17 time. I mean there could be -- they're not timed
18 together. We wouldn't purposely issue them on the
19 same day. It's just as soon as they're done, we'll
20 issue them.

21 CHAIRMAN RYERSON: Right. The reason I
22 ask is that initially everyone sort of had the benefit
23 of a staggered schedule that would allow us to review
24 one document and start working up questions on it.
25 And get those out to everyone while the other document

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1 was still being prepared.

2 But it sounds like most likely, unless
3 you, in fact, have some sort of unexpected difficulty
4 with the SER, that they will come out pretty much the
5 same time at this point.

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

7 CHAIRMAN RYERSON: Okay. All right. And
8 if I recall, the staff's initial sense, some months
9 ago, was that the SER itself would not have any kind
10 of classified appendix to it or anything like that
11 that, that you were hoping to complete the SER without
12 explicitly referring to any classified material or
13 information. Is that -- A, is my recollection
14 correct? And B, is that still the case?

15 MS. SAFFORD: Yes, on both counts.

16 CHAIRMAN RYERSON: Okay.

17 MS. SAFFORD: That's still our expectation

18 CHAIRMAN RYERSON: Okay. Thank you.

19 PARTICIPANT: And we'd have a non-public
20 and a public --

21 CHAIRMAN RYERSON: Well, let me tell you
22 where the Board is at this point. I think we have not
23 had any formal meetings amongst ourselves. We've
24 tried to communicate a little bit in anticipation of
25 this call.

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1 And I think we had a consensus on a couple
2 of thoughts.

3 First, despite our optimism that you will
4 have both documents out in April, perhaps the next
5 scheduling order should be more generic in the sense
6 that we will key dates to the last filed staff
7 documents so that if you do slip into May or whatever,
8 the order will be self-correcting. And we don't have
9 to really change it.

10 The other thought we had was that given
11 what is now, I guess, essentially a four month
12 slippage for the SER, that we should consider trying
13 to compress our earlier schedule a little bit to at
14 least bring it within maybe eight months or so of the
15 last staff document, last issued staff document, so
16 that we're still well ahead of the deadline that the
17 Commission set in its order.

18 You may recall, I believe it was something
19 like 28-and-a-half months from the Commission's order,
20 which would take us to mid-May 2012. So allowing for
21 any further delay in the staff documents and allowing
22 for potential problems with classified information, if
23 we decide in our review that it is necessary to
24 address that in some way, we would really like to at
25 least target completing the mandatory hearing in this

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1 calendar year if we can.

2 Does that seem like a good target to the
3 Applicant and to the staff? And first the Applicant,
4 does that sound like a good objective on our part?

5 MR. SILVERMAN: This is Don Silverman,
6 Your Honor. It is a good objective. We took a look -
7 - we, the Applicant, at the prior schedule in your
8 scheduling order, and then we put a strawman together
9 for ourselves, which we have shared with the staff on,
10 you know, what might be the schedule now of all the
11 various milestones -- the same milestones as before,
12 as in your order.

13 CHAIRMAN RYERSON: Right.

14 MR. SILVERMAN: Assuming an SER and FEIS
15 issue date of the April 30th, just going through that
16 with the strawman approach, we came up with a Board
17 initial decision of January 31st, 2012, which is close
18 to what you are suggesting.

19 We would certainly be happy to go back and
20 look at that and see if there was a way to further
21 compress that a bit. I would say that in doing this,
22 we pretty much adhered to the same kinds of time
23 frames that you established in your original order,
24 kind of moving things day for day, pretty close to
25 that.

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1 CHAIRMAN RYERSON: Well, you know, that's
2 -- I must say as we tried to figure out where time
3 could come out both on the time periods that apply to
4 the Board as well as time periods that apply to the
5 parties, it was a little tough trying to squeeze it.

6 And I think maybe -- maybe January 31,
7 which is about a month longer than we were shooting
8 for, is not a bad idea. That gives us a little bit
9 more time. And still provides, hopefully, what is an
10 ample cushion on that May 2012 date from the
11 Commission that we very much obviously want to honor.

12 What do you think is the best way to
13 proceed then? Would you like to submit that as a
14 joint proposal from the Applicant and the staff? Or
15 shall we just try to modify our earlier order in some
16 fashion?

17 We probably should have the benefit of
18 what you and the staff think is the best -- the best
19 way to cut these same milestones with a little less
20 time involved.

21 MR. SILVERMAN: This is Mr. Silverman. If
22 you don't mind, I propose that we could do what I
23 believe we did the last time, if I remember correctly,
24 and Ms. Safford can correct me if I'm wrong, but that
25 we could submit, the Applicant, our proposed schedule.

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1 And I believe there was an opportunity --
2 am I right, Carrie, for the staff to comment on that?

3 MS. SAFFORD: That's correct, right.

4 MR. SILVERMAN: And, you know, just from
5 our initial discussions, I don't think we're very far
6 off with each other. But you may have some comments.

7 So we'd be more than happy to submit a
8 proposed schedule or a proposed order, give the staff
9 an opportunity to look at that and comment on it. And
10 then the Board could act on it.

11 CHAIRMAN RYERSON: Okay. I mean that, I
12 think, makes sense from our standpoint.

13 How much time would you want, Mr.
14 Silverman, to submit your proposed order?

15 MR. SILVERMAN: Oh, well we could do that--
16 - bear with me one second -- let's see, today is the
17 20th. I think we could do that by about a week -- the
18 27th or the 28th at the latest.

19 CHAIRMAN RYERSON: Okay. Let's make that
20 January 28th then. And the staff, how long would you
21 like to respond?

22 MS. SAFFORD: We'll just need a few days,
23 Your Honor. We've already discussed it briefly with
24 Applicant's counsel.

25 CHAIRMAN RYERSON: Okay. We'll let's make

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1 it a similar time period then? That would take us to
2 February -- I don't have a calendar in front of but
3 February 4 or 5?

4 MS. SAFFORD: February 4 is the following
5 Friday. That would be fine.

6 CHAIRMAN RYERSON: February 4. All right.
7 Very good. So let's plan on that.

8 And, you know, again, I -- if for some
9 reason both -- either the Applicant or the staff
10 prefer having hard dates as opposed to kind of generic
11 dates from, you know, X days from an initiating event,
12 we'll leave it to your choice on that.

13 I do suggest that we may be able to just
14 avoid changing things if it is kind of generic instead
15 of going from specific dates. But I don't think the
16 Board members have a strong preference on that.

17 Let me see what else we had. Oh, yes, we
18 had talked about a site visit potentially in February.
19 And I think the Board members' thinking is that that
20 would be most useful if we've had an opportunity to
21 look at the SER. And we might then, frankly, be able
22 to use the time among Board members to have a
23 discussion as well as to see the site.

24 So I think we're thinking now perhaps the
25 week of May 23rd. Unless someone sees a problem with

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1 that now, we'll give it some further thought. And if
2 we want to move forward with that at a later point, we
3 can have the Board's law clerk contact people about
4 setting that up as a firm date.

5 Does that date pose any problem for anyone
6 that you are aware of at this point? The week of May
7 23rd?

8 MS. SAFFORD: As far as I know, that's
9 okay with staff.

10 MS. OLIVIER: Yes, this is Julie Olivier
11 from GOE, that should be fine for us here at the site.

12 CHAIRMAN RYERSON: Okay. We'll count on
13 that as a possibility then. And as I said, we'll be
14 getting back to the parties on that a little bit
15 later.

16 You know one thing, and this will
17 obviously be probably repeated in whatever final order
18 comes out, as we stressed earlier, this schedule is
19 going to be dependent upon a number of factors that
20 are not necessarily in the Board's control. And part
21 of that will be the quality of responses to the
22 questions that we have.

23 And another part of it may be the need to
24 be addressing, in some sort of public way, well
25 presumably not in a public way, but the need to be

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1 addressing the specifics of classified information.
2 So we'll have to -- just so that everyone is aware of
3 that but subject to those concerns, you know, I think
4 we are still hopefully on track to complete this
5 proceeding well before the date that the Commission
6 has set as a target.

7 Is there anything else that anyone --
8 first either of my fellow judges, anything that we
9 have not discussed that you would like to raise right
10 now?

11 Judge Jackson, anything?

12 ADMIN. JUDGE JACKSON: This is Judge
13 Jackson. I have no further questions.

14 CHAIRMAN RYERSON: Okay.

15 Judge Garcia?

16 ADMIN. JUDGE GARCIA: This is Judge
17 Garcia. No comments or questions at this time.

18 CHAIRMAN RYERSON: Okay.

19 For the Applicant, anything we should be
20 addressing today while we're all together?

21 MR. SILVERMAN: This is Mr. Silverman.
22 I'm not aware of anything else.

23 CHAIRMAN RYERSON: Okay.

24 And finally the staff?

25 MS. SAFFORD: Nothing here, Your Honor.

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1 CHAIRMAN RYERSON: Very good. Well, thank
2 you. Then we stand adjourned.

3 (Whereupon, the above-entitled meeting of
4 the Atomic Safety and Licensing Board was concluded at
5 2:13 p.m.)
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GE-Hitachi Global

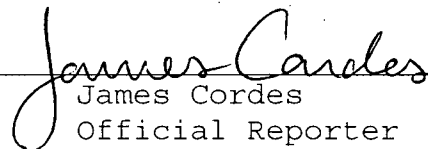
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Docket Number: 70-7016-ML

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