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NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

May 10, 2011 (10:00 am)

Title: Progress Energy Florida
Pre-hearing Conference

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket Number: 52-029-COL and 52-030-COL

ASLBP Number: 09-879-04-COL-BD01

Location: (telephone conference)

Date: Wednesday, May 4, 2011

Work Order No.: NRC-851

Pages 628-653

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UNITED STATES OF AMERICA

U.S. NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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PREHEARING CONFERENCE CALL

In the Matter of : Docket Nos. 52-029-COL,
PROGRESS ENERGY FLORIDA : 52-030-COL
(Levy County Nuclear : ASLBP No.
Power Plant, Units 1 and 2): 09-879-04-COL-BD01

_____ :

Wednesday,

May 4, 2011

BEFORE:

ALEX S. KARLIN Chairman
ANTHONY J. BARATTA Administrative Judge
WILLIAM M. MURPHY Administrative Judge

1 APPEARANCES:

2 On Behalf of Progress Energy Florida, Inc.:

3 JOHN H. O'NEILL, ESQ.

4 ROBERT B. HAEMER, ESQ.

5 STEFANIE NELSON GEORGE, ESQ.

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18 On Behalf of the Intervenors:

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20 Southeast Regional Coordinator

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CARA CAMPBELL

GARY HECKER

Of: Ecology Party of Florida

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ALSO PRESENT:

JODY MARTIN, NRC Staff

LAUREN GOLDIN, NRC Staff

KEVIN ROACH, NRC Staff

DOUG BRUNER, NRC Staff

BRIAN HUGHES, NRC Staff

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

1:03 p.m.

1
2
3 CHAIRMAN KARLIN: This is a prehearing
4 conference in the matter of Progress Energy of
5 Florida, application to combine licenses. The docket
6 number is 52-029-COL and 52-030-COL. And the ASLBP
7 number is 09-879-04-COL.

8 This prehearing conference call is being
9 held pursuant to our order, the Board's order of March
10 30, 2011. And today's date, as I said, is May 4th.
11 We are doing this telephonically and in a moment we'll
12 just do the introductions and ask everyone to identify
13 themselves for the record.

14 But as for the Board itself, in Rockville
15 chambers, Ann Hove, our law clerk, and me, Alex
16 Karlin, the Chairman of this Board are here. Sara
17 Culler, our secretary has just left. She was helping
18 arrange the call.

19 We have Dr. Baratta and Dr. Murphy, the
20 other two Judges, participating by phone. Are you
21 there, sirs?

22 JUDGE BARATTA: This is Judge Baratta.
23 Yes, I'm here.

24 JUDGE MURPHY: This is Bill Murphy. I'm
25 here.

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1 CHAIRMAN KARLIN: Okay, great. Now maybe
2 perhaps we can ask the parties to identify themselves.
3 Let's start with the Petitioners.

4 Ms. Olson, could you identify yourself and
5 the other members of your team?

6 MS. OLSON: Yes, Mary Olson, Nuclear
7 Information and Resource Service, located in
8 Asheville, North Carolina. Gary Hecker of the Ecology
9 Party of Florida. Is Cara also on the line?

10 MS. CAMPBELL: Yes.

11 MS. OLSON: Cara Campbell of the Ecology
12 Party of Florida, both in Fort Lauderdale, Florida.

13 CHAIRMAN KARLIN: Okay, great. Progress
14 Energy, Mr. O'Neill, perhaps you could identify your
15 colleagues and your team?

16 MR. O'NEILL: This is John O'Neill in
17 Washington, D.C. With me in the room is Robert Budd
18 Haemer and Stefanie Nelson George and in Raleigh is
19 Dave Conley, in-house counsel with Progress Energy.

20 CHAIRMAN KARLIN: Excellent. Okay, thank
21 you. And for the staff, could the staff please
22 identify who is on the line?

23 MR. MARTIN: This is Jody Martin, NRC
24 staff, Office of the General Counsel. With me are my
25 colleagues Laura Goldin and Kevin Roach. We also have

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1 Doug Bruner, the Environmental Project Manager, and
2 Brian Hughes, who is the Acting Safety Project
3 Manager.

4 CHAIRMAN KARLIN: Okay. Good, thank you.
5 Welcome.

6 Is there anyone else on the line? That
7 makes sense.

8 Very good. Thank you for the
9 introductions. As a matter of logistics, what we'd
10 like to do is make sure that for each of the parties,
11 staff, the Applicant, the Petitioners, that there is
12 one speaker who is the representative here and as I
13 will understand that to be for the Petitioners, Mary
14 Olson; for Progress, Mr. O'Neill, unless otherwise
15 designated; and for the staff, would that be Jody
16 Martin, Mr. Martin?

17 MR. MARTIN: Yes.

18 CHAIRMAN KARLIN: And we have made
19 available to the public a line to listen in on without
20 participating and I'm not sure whether we have anyone
21 on that or not. We might have one person, but they
22 won't be able to speak anyway, so if they're
23 listening, welcome to any member of the public who
24 might be on the line.

25 As a matter of background, the last status

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1 conference we had in this case was in March of last
2 year, 2010. Since that time, we had an oral argument
3 in November of 2010 in our hearing room in Rockville.
4 That was the oral argument regarding the motion to
5 compel production of the groundwater model. At that
6 point we had a short discussion of the schedule. So
7 this really isn't what I like to call a six-month
8 status conference, but I just think, and I think this
9 Board thinks it's a useful thing to pulse the parties
10 and find out if there's anything on the horizon that
11 will help us manage this case in a more efficient and
12 fair way by having conference calls approximately
13 every six months, if possible.

14 Since we last met, which was in November
15 of 2010, we've ruled on quite a number, I think, of
16 motions, motions for summary disposition, motions to
17 add new contentions, to dispense with existing
18 contentions, and one dealing with the motion to
19 compel. I think as far as I can tell, we have ruled
20 on all the pending motions before us. And so there's
21 no pending matter that needs to be ruled on by this
22 Board at this time.

23 We do note that the Commission, however,
24 has a couple of items, at least, that I'm aware of,
25 that we're aware of. One of them is the petition to

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1 review our decision with regard to Contention 8A and
2 that's up on appeal, I guess. When the Commission, no
3 one knows, but we'll obviously attend to that as they
4 get to that. And the other is the April 14th, 2011
5 petition to suspend all proceedings, this one included
6 that has been filed with the Commission essentially
7 relating to events, the tragic events with regard to
8 Japan and the Fukushima nuclear power plants.

9 But those are pending before the
10 Commission, as we understand them, and not before us
11 and we have no specific motions before us at this
12 time. So let me just say the purpose of this call is
13 just to poll the parties and find out what's going on.

14 And for an agenda, I would propose three
15 things. One is review of the time table and the
16 schedule that was given to us by the staff to just
17 double check where we are on that. Two, to identify
18 any other administrative or other kind of issues that
19 might loom on the horizon that could affect the timing
20 of this proceeding, the critical path of this
21 proceeding or any other better way to manage some of
22 the issues here. And three, to briefly discuss issues
23 related to the protocol of presenting evidence, once
24 we get to the evidentiary hearing. We're going to
25 give a moment or two on that.

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1 Does anyone else, any of the parties, have
2 any other items or suggestions that we might add to
3 the agenda today or be worth talking about? Perhaps
4 I'd ask Ms. Olson first.

5 MS. OLSON: I think those three items
6 cover the issues that I would comment on.

7 CHAIRMAN KARLIN: Mr. O'Neill?

8 MR. O'NEILL: Judge Karlin, I just note
9 that in the joint motion that was filed in March,
10 there were a couple of other issues that were raised
11 that may fall into your timetable and schedule. One
12 was the site visit and limited appearance statements
13 which we proposed for the initially scheduled hearing
14 date of January 2012 and secondly was our proposal
15 that we reserve, in light of the change in schedule
16 for the FSAR and FEIS a hearing in October of 2012.

17 CHAIRMAN KARLIN: Okay. I think we'll --
18 my impression is that we have ruled on everything that
19 needed ruling on with regard to the joint motion, but
20 if we want to discuss -- essentially, I think we want
21 to talk briefly about the site visit and reserving
22 October of what did you say, 2012?

23 MR. O'NEILL: '12.

24 CHAIRMAN KARLIN: Good.

25 MR. O'NEILL: That was a request as

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1 opposed to part of the motion, but I think we may have
2 said that as a suggestion. In light of the change in
3 schedule, we thought January, and particularly the
4 Petitioners were interested in trying to have a site
5 visit in January. And so we all agreed in our joint
6 motion to suggest that.

7 CHAIRMAN KARLIN: Okay. Well, let's add
8 that to the agenda. I think we'll get to that. Good.
9 Anything else from you, Mr. O'Neill?

10 MR. O'NEILL: No, that's all we have.

11 CHAIRMAN KARLIN: And Mr. martin?

12 MR. MARTIN: No, I don't think staff has
13 anything to add.

14 CHAIRMAN KARLIN: Okay, I'll just check
15 with my colleagues. I think we've probably gone over
16 this pretty much, but if there's anything else you
17 think we want to put on the table?

18 Dr. Baratta or Dr. Murphy?

19 JUDGE BARATTA: This is Dr. Baratta. I
20 don't have anything to add.

21 JUDGE MURPHY: This is Judge Murphy and I
22 think it's very good.

23 CHAIRMAN KARLIN: Okay, then we'll proceed
24 with Item 1 which is kind of a review of the schedule
25 where we turn to the staff and ask them if there's

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1 anything changing.

2 As I understand it, that is the report we
3 received from them was April 7th. As I understand
4 it, their next status report, as it happens, will
5 probably be due tomorrow, the first Thursday in the
6 month. But essentially, as I understand the schedule
7 as it's evolved, staff is doing its work. It hit the
8 bottom line. The FEIS has been slipped about
9 approximately nine months from the original date and
10 now looks the issue on approximately estimated April
11 of 2012.

12 Likewise, the FSER, which appears to have
13 slipped 11 months from the original schedule we got is
14 also going to be issued estimated to be April 30th of
15 2012. Therefore, as I see it, and does the schedule,
16 initial scheduling order would have it, the trigger
17 date for filing of the written submissions as prelude
18 to the hearing would be April 30th of 2012.

19 Mr. Martin, do you see anything changing
20 as what you're filing tomorrow or even further down
21 the road, is that schedule still holding or is there
22 any adjustments you might think we need to make?

23 MR. MARTIN: That is still the schedule
24 right now. There's always some possibility there can
25 be some changes in the future, but we don't have

1 anything specific and we don't anticipate any changes
2 at this moment.

3 CHAIRMAN KARLIN: Good. I appreciate
4 that. Anything may happen and changes may occur and
5 it's just your best estimate as of this time.

6 So the schedule you'll file, tomorrow, I
7 guess it is, will essentially be the one I just
8 covered.

9 MR. MARTIN: That's the plan.

10 CHAIRMAN KARLIN: Well, let's hope it
11 doesn't change.

12 MR. MARTIN: It's not going to happen this
13 afternoon. That's right.

14 (Laughter.)

15 CHAIRMAN KARLIN: It could. But okay. If
16 that's the case, then the evidentiary hearing
17 schedule, as I see it, is first we have to acknowledge
18 that there's an emergency petition to suspend the
19 entire proceeding and no -- who knows what will happen
20 with that and we can't really plan on the results of
21 that. So we'll set that aside for the moment,
22 recognizing it could change things. But absent
23 changing on that score, our best -- we look at our
24 schedule and the initial written testimony and
25 exhibits are going to need to be filed in

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1 approximately June of 2012.

2 And the evidentiary hearing is likely to
3 occur in the October/November 2012 time frame, which
4 is the time frame that I think you just referred to,
5 Mr. O'Neill. October 2012.

6 We think it's kind of too early to
7 actually set any dates down and there's so many
8 contingencies that could occur between now and then.
9 It's probably not profitable to try to do so. But
10 simply to -- and I think this is the gist of what you
11 had proposed in your joint motion, just to ask all the
12 counsel and the parties to hold October and maybe even
13 the early part of November 2012 tentatively available
14 for the time we'll actually have the evidentiary
15 hearing.

16 Was that the gist of the motion, Mr.
17 O'Neill?

18 MR. O'NEILL: You had originally had the
19 parties hold January of 2012 so in light of the fact
20 of the slippage of the schedule that you just noted,
21 we thought it would be useful for planning purposes to
22 move that to October 2012 and have us all hold that as
23 the present date.

24 CHAIRMAN KARLIN: Okay, I think that's
25 right and I think that's -- I don't think we'll issue

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1 an order to that effect or we don't need to, but I
2 think today, the Board does believe that's the time
3 frame subject to many contingencies that could change.

4 So I would urge and ask that everyone hold
5 those dates, particularly, for example, if you have a
6 situation where you have one witness who is quite
7 critical, I'm thinking of Dr. Bacchus, for example.
8 You really need to ask her to clear the decks and be
9 ready for that, that time frame, because there may be
10 other parties like staff-- might have multiple
11 witnesses that could appear on any particular issue,
12 but you may have one critical issue.

13 If anyone has one critical witness, I
14 think you need to alert that person and try to make
15 sure he or she keeps that type frame open.

16 Ms. Olson?

17 MS. OLSON: Your Honor, I do have two
18 issues that I think that are probably in that category
19 of contingencies, but I want to voice them. Is this
20 the appropriate moment to ask these two questions?

21 CHAIRMAN KARLIN: Yes.

22 MS. OLSON: About schedule.

23 CHAIRMAN KARLIN: Well, I think we'll get
24 to that in a moment.

25 MS. OLSON: Okay.

1 CHAIRMAN KARLIN: I'm going to ask some
2 other questions about schedule. But let me turn to
3 the site visit and the limited appearance statement
4 session.

5 First, we appreciate the effort that you
6 all went to to try to set up and be available for a
7 time frame I think it was, what are we talking about,
8 April of this year, and given the slippage in the
9 staff's schedule and the application itself, I guess,
10 we thought that would be not productive.

11 And we now think that it's probably late
12 this year or early next year that things would be
13 settled down enough that we could profitably
14 reschedule or have the site visit and limited
15 appearance statement session.

16 So that's our thinking at this point.
17 After the FEIS which comes out, which has come out,
18 after the FSER comes out, after the Commission
19 presumably rules on the petition to suspend any new
20 contentions that's get filed, late this year or early
21 part of next year. We would be shooting -- and we're
22 not getting down to any specifics, the site visit and
23 a limited appearance statement session.

24 Of course, we would have to work with the
25 applicant to find the site visit date that didn't

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1 conflict with other operational things that are going
2 on the site. Because we know it's a burden, somewhat
3 of a burden on them.

4 Let me just go to the second item, really
5 on the schedule which is identify potential scheduling
6 issues on the horizon. Is there anything that we can
7 think of or be aware of that is going to -- may affect
8 our schedule and now, Mr. Olson, you may -- this is
9 where your two points might fit in?

10 MS. OLSON: And again, I think they're in
11 that universe of contingencies, but one is the AP1000
12 certification and the second is the possible change of
13 applicants. We have a lot of new stories that we
14 might be dealing with Duke Energy rather than Progress
15 Energy Florida.

16 CHAIRMAN KARLIN: Okay.

17 MS. OLSON: Trigger a pretty major change
18 in parts of the COL and that would certainly give us
19 opportunity to look at those and possibly revisit some
20 of the issue we originally raise.

21 CHAIRMAN KARLIN: I was going to raise
22 this question and I tease it up reasonably well, Mr.
23 O'Neill, can you tell me whether the Applicant,
24 whether Progress contemplates any amendments to its
25 application? Are they planned or reasonably on the

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1 horizon or under consideration?

2 Has there been an amendments to the
3 application coming down the pike?

4 MR. O'NEILL: Any amendments that have any
5 significance the answer is no. As noted in all of the
6 public information regarding the merger, Progress
7 Energy Florida will remain a regulated company in
8 Florida.

9 The indirect parent will be Duke Energy,
10 but that will not change the nature of the company as
11 a regilded public utility in the State of Florida. It
12 will not change the applicant in any way as a matter
13 of information. We may note that Duke Energy becomes
14 the ultimate holding company after the merger, but --
15 and there will be an indirect transfer of license
16 application that has been filed and be acted on, but
17 none of that actually affects who is the applicant
18 here and it would not affect anything that goes to
19 financial qualifications or whatever of the company,
20 a regulated utility.

21 CHAIRMAN KARLIN: Okay, what about any
22 amendments to the application perhaps associated with
23 the evolution of the AP1000. I mean are we dealing
24 with Rev 16 or 17 or 18 or some other minor amendments
25 that are necessary? Are there any amendments

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1 associated with that?

2 MR. O'NEILL: I think the present
3 schedules there will be a filing to reflect the new
4 amendment of Rev. 18, I guess, with respect to the
5 AP1000, but that should not change, again, anything
6 other than the reference to that which will be in the
7 final rule.

8 CHAIRMAN KARLIN: And what is the status
9 of the rulemaking? Perhaps -- do you know, Mr.
10 O'Neill, I mean in terms of -- it's obviously still
11 open. As I understand it, Rev 15 rulemaking has
12 occurred and is final and was granted and appears in
13 Appendix D to Part 52.

14 MR. O'NEILL: That is correct.

15 CHAIRMAN KARLIN: Sixteen, 17, 18 are
16 still pending. When do you contemplate or is the NRC
17 given some schedule as to when those rulemakings will
18 be consummated, I guess?

19 MR. O'NEILL: The last schedule that I saw
20 and I'm obviously -- the staff may be able to speak
21 more authoritatively to this since they -- September
22 of 2011 being the date by which we had hoped the
23 rulemaking would be final.

24 CHAIRMAN KARLIN: Mr. Martin, do you have
25 anything to add on that? Is that right?

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1 MR. MARTIN: That is about right. I
2 believe, and I don't have the exact date, but the
3 comment says the proposed rule for Rev 18 of the DCD
4 has been published and has been open for comment for
5 a little while now. I think the comment period still
6 has a couple of days, maybe a week or two left open.
7 And then the current schedule is to hope to try to
8 finish up the rulemaking in the early September to
9 October sort of time frame.

10 The goal, I think the Commission's goal,
11 if you look at the reference COLs, if we were to issue
12 those -- if we were to issue those by the end of the
13 year, this year for that to happen, so if the
14 rulemaking and the COLs will have been finished by the
15 end of the year.

16 CHAIRMAN KARLIN: Okay, that's useful
17 information. So Ms. Olson, you've identified two
18 contingencies. The AP1000 rulemaking process and
19 potential changes to the applicant, who the applicant
20 is or the indirect transfer, whatever. I think that
21 helps -- and we will not suspend the proceeding, based
22 upon either of those things. We're just going to keep
23 proceeding apace. But with that said I want to return
24 to the proposition that please try to -- have you
25 talked with your witnesses with regard to availability

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1 in October of 2012?

2 MS. OLSON: I do not have a commitment for
3 it, but obviously that is a conversation we will be,
4 Intervenors will have.

5 CHAIRMAN KARLIN: Yes. I think -- please
6 do, if you would. I think it's important that we try
7 to -- we have a lot of time, a year and a half and
8 even assuming that this is going to come through and
9 many things could change. But please try to let
10 people know as early as possible when it's likely to
11 occur because we really don't want to delay unless an
12 absolutely critical problem arises. I mean Dr.
13 Bacchus had a difficulty -- a medical difficulty last
14 fall, I think it was, which we accommodated, but we
15 hope that that doesn't reoccur. That's all.

16 MS. OLSON: We agree with you.

17 CHAIRMAN KARLIN: Great. Are there any
18 other planned filings, settings, changes to the
19 application? Does anyone have any planned motions or
20 new contentions that are contemplated at the moment?

21 Ms. Olson?

22 MS. OLSON: The words "at the moment" I
23 can say no. I'm not saying something couldn't come
24 up.

25 CHAIRMAN KARLIN: Okay, just this

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1 currently contemplated.

2 MS. OLSON: No.

3 CHAIRMAN KARLIN: And staff, Mr. O'Neill,
4 anything from you all coming down the pike that we can
5 watch for?

6 MR. O'NEILL: Yes. The 8A which is a
7 contention on low-level radioactive waste, the FSAR
8 has been shall we say supplemented by responses to
9 RAIs that have been issued some time ago. Do you
10 remember the date that we submitted that? Some months
11 ago. We can't remember the exact date.

12 And once the staff issues the FSAR that
13 addresses that and if it changes in a way that
14 reflects it, we would anticipate being able to file a
15 motion for summary disposition of 8A.

16 CHAIRMAN KARLIN: Okay, that's useful
17 information. So you've responded to some RAIs that
18 relate to the low-level waste plan and your FSAR has
19 been supplemented and you're thinking that something
20 subsequent to that either the FSER or whatever you may
21 file some motion, further motion for summary
22 disposition.

23 MR. O'NEILL: Yes, and of course, all that
24 information has been made available to the Intervenor
25 at the time after which it was filed, the document

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1 disclosures.

2 CHAIRMAN KARLIN: Okay. That's useful to
3 know. Anything else from the staff, Mr. Martin?

4 MR. MARTIN: No, we don't have any planned
5 filings or anything. The only possible scheduling
6 impact that I can envision is you've already
7 mentioned, it would be whatever the Commission advises
8 to do with the Fukushima petition.

9 CHAIRMAN KARLIN: Right, right. And we
10 note that one of the items of relief sought in this
11 Fukushima petition is for the Commission to set a
12 schedule for the filing of Fukushima contentions in
13 individual proceedings. I'm not sure whether they're
14 going to do that or not or what the upshot will be,
15 but anyway, we'll keep an eye on that, obviously.

16 Now a third item we want to talk about
17 briefly is the protocol for presenting evidence at the
18 evidentiary hearing. Again, this is pretty far out
19 and before there will be a trigger date which triggers
20 the requirement to file 45 days thereafter the initial
21 evidence and then the rebuttal evidence. And before
22 the trigger date, we will issue, this Board will issue
23 something or approximately around the trigger dates
24 and instructions as to how you mark and you file your
25 exhibits and things like that. So please be alert to

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1 that. You can't simply resubmit all of the multiple
2 affidavits that have been submitted with regard to the
3 motions for summary disposition and the original
4 contention. It needs to be a fresh piece of paper,
5 essentially.

6 And one of the things we would note and
7 maybe Judge Baratta will talk here for a moment as
8 well, but in any event, for the Intervenor's benefit,
9 it's important to note that in order to get a
10 contention admitted, you essentially have to provide
11 alleged facts or expert opinion. But once you get to
12 a hearing, you've got to do more than just allege
13 facts. You have to actually present evidence and so
14 some -- it will probably not suffice simply to repeat
15 exactly what was submitted with the original
16 contentions.

17 Judge Baratta, did you want to speak to
18 that?

19 JUDGE BARATTA: I just want to make sure
20 that everybody understands that when we get down to
21 the evidence part, you've got to get specific. You
22 can't just simply submit an entire report. You're
23 going to have to provide very specific as to what is
24 in there that supports your position. I have some
25 concern about that at this point. That's all I had to

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1 say.

2 CHAIRMAN KARLIN: Right, right. Did you
3 all hear that?

4 MS. CAMPBELL: I didn't hear it. This is
5 the Ecology Party. I didn't hear it. I'm sorry.

6 CHAIRMAN KARLIN: Could you repeat that,
7 Judge Baratta? Your line seems to be kind of --

8 MS. CAMPBELL: It's muted.

9 JUDGE BARATTA: What I said was that when
10 we get to the evidentiary hearing, you've got to get
11 down to the specifics and you simply can't submit an
12 entire report and claim that that supports your
13 position. You've really got to get down to the point
14 where you're citing specific parts of that report or
15 statements or data and that sort of thing so it's very
16 clear and not just simply do a shotgun type approach
17 or a wallpapering type of approach. That's all I have
18 to say.

19 CHAIRMAN KARLIN: If you've got a report
20 to attach, you need to point us to a page where you --
21 that supports you, not just a 100-page document
22 because we're not going to read a 100-page document to
23 try to figure where the support is. You need to make
24 it clear to us and point us to the specific sections
25 that support it.

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1 So saying something like well, we need to
2 consider cumulative effects, well, that's kind of NEPA
3 101, but we need to understand exactly what cumulative
4 effects you're concerned with or that we should be
5 concerned with or that hasn't been addressed or hasn't
6 been covered, just a broad statement that failed to
7 consider cumulative effects. It doesn't really help
8 us get down to the nitty-gritty of whether or not the
9 NEPA analysis, for example, satisfies or doesn't
10 satisfy the requirements of covering cumulative
11 effects.

12 Okay, that's -- we will issue something as
13 the time approaches, but I think just take that into
14 consideration as we go forward. Other than that, I
15 think we're done. We'll probably try to schedule
16 another conference call, a status conference call in
17 the fall, six months, eight months from now, whatever,
18 depending on how active things are or quiet. But even
19 if it's very quiet, I think it's useful to hear from
20 you all, make sure we're all still here and double
21 check to see if there's anything we can do to manage
22 this case in a way that's both more efficient and
23 perhaps hopefully more fair. So we will probably talk
24 with you again in six to eight months.

25 In the mean time, thank you all for

1 participating. Any closing thoughts from Judge
2 Baratta, Judge Murphy?

3 JUDGE MURPHY: Nothing from me.

4 JUDGE BARATTA: Nothing from me.

5 CHAIRMAN KARLIN: Anything from the
6 parties?

7 MR. MARTIN: Nothing from the staff.

8 MS. CAMPBELL: Thank you.

9 CHAIRMAN KARLIN: Thank you very much, we
10 are adjourned. Thank you.

11 (Whereupon, at 1:35 p.m., the
12 teleconference was concluded.)

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CERTIFICATE

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

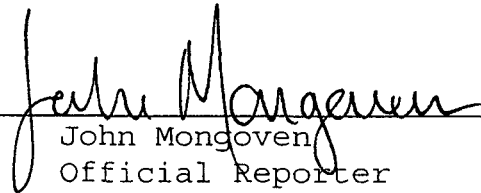
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Docket Number: 52-029-COL and 52-030-COL

ASLBP Number: 09-879-04-COL-BD01

Location: Telephone Conference

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