

**NUCLEAR REGULATORY COMMISSION**

Title: Strata Energy, Inc.

Docket Number: 40-9091-MLA

ASLBP Number: 12-915-01-MLA-BD01

Location: (telephone conference)

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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PREHEARING CONFERENCE

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In the Matter of: : Docket No.  
STRATA ENERGY, INC. : 40-9091-MLA  
: ASLBP No.  
(Ross In Situ Recovery : 12-915-01-MLA-BD01  
Uranium Project) :

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Wednesday, March 28, 2012  
via Teleconference

BEFORE:

G. PAUL BOLLWERK, III, Chair  
DR. RICHARD F. COLE, Administrative Judge  
DR. KENNETH L. MOSSMAN, Administrative Judge

## 1 APPEARANCES:

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10                   STEPHEN COHEN

11                   JAMES MALTESE

12                   JOHARI MOORE

13                   JOHN SAXTON

14                   ASHLEY WALDRON

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

1:35 p.m.

JUDGE BOLLWERK: Good afternoon, everyone.

This is Judge Paul Bollwerk with the Atomic Safety and Licensing Board. We're here this afternoon to hold a prehearing conference dealing with scheduling matters in the Strata Energy, Incorporated case for the Ross In Situ Recovery Uranium Project.

I'm here in Rockville along with Judge Richard Cole and our law clerk, James Maltese. And Judge Kenneth Mossman is participating with the Board from Arizona, where he has his full-time residence and is a professor at Arizona State University.

If we could, please, I'd like to go around then and have the parties that are with us, the representatives for the different parties, identify themselves for the record. And let's go ahead and start with the applicant, please.

MR. PUGSLEY: Chris Pugsley, Thompson and Pugsley, counsel to Strata.

MR. THOMPSON: Tony Thompson, Thompson and Pugsley.

JUDGE BOLLWERK: All right, thank you.  
The NRC staff?

MS. ALBERT: Michelle Albert for the NRC

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1 staff.

2 JUDGE BOLLWERK: Anyone else there for the  
3 staff? All right. I'm sorry, go ahead.

4 MS. SAFFORD: Let me say Carrie Safford  
5 for the NRC staff.

6 JUDGE BOLLWERK: All right, and anyone  
7 else want to identify themselves in terms of technical  
8 folks? Nope. All right.

9 MR. COHEN: Stephen Cohen, Team Leader,  
10 Uranium Recovery Licensing Branch.

11 MR. SAXTON: John Saxton, Project Manager.

12 MS. MOORE: Johari Moore, Project Manager,  
13 Environmental Review Branch.

14 MS. WALDRON: Ashley Waldron, Project  
15 Manager, Environmental Review Branch. And that's it.

16 JUDGE BOLLWERK: All right. Let me just  
17 ask the court reporter, do we need to spell any of  
18 those names for you?

19 COURT REPORTER: I don't think so, Your  
20 Honor, the NRC has a pretty good online phone  
21 directory.

22 JUDGE BOLLWERK: Okay, very good then.  
23 Thank you. All right for the Joint Intervenor's  
24 please?

25 MR. FETTUS: Geoffrey Fettus with the

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1 Natural Resources Defense Counsel. And I'll spell  
2 that for you, G-E-O-F-F-R-E-Y, F as in Frank, E-T-T-U-  
3 S, Fettus. And I'm joined in my office by Andres  
4 Restrepo. And I'll spell that for you, A-N-D-R-E-S,  
5 that's the first name. And Restrepo, R-E-S-T-R-E-P-O.  
6 And Shannon, are you there?

7 MS. ANDERSON: Yes, Shannon Anderson on  
8 behalf of Powder River Basin Resource Council.

9 JUDGE BOLLWERK: All right, thank you all.  
10 Thank you, Counsel, I appreciate it. And also the  
11 technical representatives that are there. And I've  
12 mentioned before and I'll try remember to do this,  
13 this is Judge Bollwerk obviously, and anyone that's  
14 speaking could you please, when you first begin to  
15 talk, identify yourself for the record so that the  
16 court reporter will have an easy time knowing who  
17 among these many voices he's hearing.

18 And again I've mentioned to the court  
19 reporter before that if he has any difficulties he  
20 should certainly interrupt us and let us know so we  
21 can make sure he's aware of who's speaking.

22 All right, as I mentioned previously the  
23 purpose of today's conference, and before I mention  
24 one other thing before we start, I apologize to all of  
25 you all for having to reschedule this. I thought we

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1 were going to do it the first Monday that we'd set it  
2 and unfortunately when I got to work that morning I  
3 became progressively sicker from stomach 'flu, which  
4 I would not wish any of you to get, and I had to go  
5 home that day.

6 And in fact I'm still not 100 percent but  
7 I'm certainly well enough to do this and we do need to  
8 get this conducted. But again, I apologize for having  
9 to cancel on such short notice and I appreciate the  
10 effort you put into rescheduling so we could do this  
11 today.

12 In terms of why we're here under the  
13 Agency's rules, specifically 10 CFR, that's Code of  
14 Federal Regulations, Section 2.332. And the  
15 milestones that apply Subpart L proceedings that are  
16 in the Agency's regulations. Within 55 days of the  
17 Board's order admitting parties and contention in a  
18 proceeding the Board is supposed to have issued an  
19 initial scheduling order that sets out to the degree  
20 possible different scheduling milestones in the case.

21 And so one of the things we need to do  
22 today is talk about that schedule to the degree it's  
23 possible. Also there's a motion pending relative to  
24 starting the discovery process that you all had filed  
25 several weeks ago. We had actually suspended

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1 discovery pending, I guess originally we thought we  
2 were going to have this proceeding about ten days ago,  
3 pending a resolution of that or at least the  
4 opportunity to discuss it with you. But that motion  
5 would have had discovery starting, by the agreement of  
6 the parties, next Monday, the 2nd of April.

7 So those are basically two subjects we  
8 need to cover today. Let's deal with the discovery  
9 motion and discovery generally first. Anybody want to  
10 speak to the reasons that the motion was filed?  
11 Although I think it's maybe self evident.

12 MS. ALBERT: Your Honor, this is Michelle  
13 Albert on behalf of the NRC staff. The reason it was  
14 filed is just so we could make all our disclosure  
15 obligations monthly. We wanted to pick a date, we  
16 thought it would be helpful for us because there are  
17 a lot of documents, to start on April 2nd. And then  
18 of course that way we could change it and instead of  
19 being 14 days due make it every month on one day every  
20 month. So the ease of the parties, that was the main  
21 motivation.

22 JUDGE BOLLWERK: All right. Anyone else  
23 want to say anything in that regard? Well I take it  
24 if the Board were to use that date then you are  
25 prepared to go forward on April 2nd and be in the

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1 first round of discovery? All the parties?

2 MS. ALBERT: Your Honor, this is Michelle  
3 Albert again on behalf of the NRC staff. Yes we're  
4 prepared, we could file on Monday.

5 JUDGE BOLLWERK: All right. And I take it  
6 then, if I understood the other part of what your  
7 proffer to the Board is, that rather than using the 14  
8 days that are in the rules for updating the mandatory  
9 disclosures, and it's not the terms of the staff's  
10 responsibility relative to the hearing file, the rules  
11 don't really specify a date. Although it's generally  
12 often done in 30-day intervals. But I take it you  
13 want to do all of your discovery updates at 30 day  
14 intervals, is that the other thing that I understood?

15 MS. ALBERT: Your Honor, this is Michelle  
16 Albert again on behalf of the NRC staff. We would  
17 prefer to have it on the 2nd every month, so it would  
18 be for both those obligations.

19 JUDGE BOLLWERK: All right. Anything that  
20 the either the Applicant or the Joint Interveners want  
21 to say in that regard?

22 MR. PUGSLEY: Chris Pugsley for Strata.  
23 No, sir, we concur with the staff.

24 JUDGE BOLLWERK: All right.

25 MR. FETTUS: And this Geoff, and the only

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1 qualification I'd make to that is if the 2nd falls on  
2 a day that's over a weekend or a holiday that we move  
3 out to the following, or we will just work together as  
4 parties to make sure we agree on when the actual  
5 filing date should be and just provide you with  
6 notification. Or, Mr. Maltese, however you would  
7 direct it.

8 JUDGE BOLLWERK: Okay. So what you would  
9 prefer is basically the 2nd of every month, that  
10 calendar day, would the day for disclosures unless the  
11 2nd falls on a weekend in which case it would be the  
12 next business day?

13 MR. FETTUS: Yes. Is that okay Carrie?  
14 Chris?

15 MR. PUGSLEY: Chris Pugsley for Strata,  
16 yes it's fine here.

17 MS. ALBERT: Michelle Albert for the NRC  
18 staff, and we're also fine with that.

19 JUDGE BOLLWERK: All right. And then I  
20 take it if one month it were the 3rd or the 4th the  
21 next month it would go back to being the 2nd, assuming  
22 the 2nd was not a weekend or a holiday or whatever?

23 MR. FETTUS: That's how I would see it,  
24 Your Honor, yes. And this is Geoff Fettus, sorry.

25 JUDGE BOLLWERK: All right. We'll talk

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1 about that then. We'll be having a brief conference  
2 after we're done here. But I think that sounds  
3 reasonable at this point. And although we may not  
4 have our prehearing conference order out in toto in  
5 the next several days, one of the things I may want to  
6 do is wait on the transcript to see a few things.  
7 Depending on how the conversation goes here.

8 But we certainly will let you know on the  
9 discovery in the next day or so. Get that out to you  
10 if nothing else, even if the prehearing conference  
11 order, in terms of the schedule, might be delayed by  
12 a couple of days.

13 All right. Let me just raise one other  
14 issue with respect to discovery. Have you all  
15 discussed or given any consideration to what you'd  
16 want to do about privileged documents in terms of  
17 disclosure? Privileged files, privileged logs,  
18 whatever?

19 MS. ALBERT: Your Honor, this Michelle  
20 Albert on behalf of the NRC staff. We would be  
21 claiming privilege on several documents. But there  
22 are some documents we would hope to reach an agreement  
23 about not having to disclose or identify, such as  
24 draft documents and attorney/client privilege  
25 documents and attorney work products.

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1 JUDGE BOLLWERK: And I take it those  
2 discussions haven't taken place yet in terms of that  
3 agreement?

4 MS. ALBERT: No, Your Honor.

5 JUDGE BOLLWERK: And when do you think  
6 that might happen?

7 MS. SAFFORD: Your Honor, this is Carrie  
8 Safford from NRC staff. We raised it informally with  
9 the other parties but we haven't had in depth  
10 conversations with the parties and weren't sure if  
11 perhaps the Board wanted to hear all the parties  
12 positions today. Or if, like you just indicated, you  
13 prefer the parties to go back and reach agreement and  
14 then come back to the Board?

15 JUDGE BOLLWERK: Well I mean generally if  
16 the parties can reach an agreement, obviously we need  
17 to look at it and make sure it's appropriate, but if  
18 you can reach some agreement that's something we'd  
19 obviously give some consideration to.

20 I don't know if this impacts what's  
21 potentially going to happen next Monday in terms of  
22 the first round of discovery. That would be the only  
23 concern I'd have. So it might behoove you all, if you  
24 want to try to reach some agreement, to have that  
25 conversation sooner rather than later. But if

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1 something needs to get filed subject to something to  
2 something else happening we will consider that as  
3 well.

4 MS. ALBERT: Your Honor, this is Michelle  
5 Albert on behalf of the NRC staff. We're prepared to  
6 file our disclosure obligations without this agreement  
7 in place. But for future disclosures we were hoping  
8 to have that agreement be in place then. So for this  
9 month we're ready regardless of any agreement.

10 JUDGE BOLLWERK: All right. Let me see if  
11 the Applicant or the Joint Intervenors have anything  
12 they want to say in this regard.

13 MR. PUGSLEY: Chris Pugsley for Strata.  
14 No, nothing to add, Your Honor. If the staff is  
15 prepared to do their disclosures. We certainly are  
16 prepared to do ours. Ours don't really involve  
17 privileged information so we're fine with what the  
18 staff wants to do. And we are certainly prepared to  
19 engage in discussions with all parties as soon as next  
20 week to figure out if we can come to some form of  
21 agreement.

22 JUDGE BOLLWERK: All right. Anything the  
23 Joint Intervenors want to say in that regard?

24 MR. FETTUS: Nothing to add, Your Honor.  
25 That sounds fine to us and we'll be prepared to file

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1 on the 2nd. And we'll be happy to engage in any  
2 discussions and I can't imagine that we won't come to  
3 some sort of mutual agreement.

4 JUDGE BOLLWERK: All right. Well at this  
5 point then the Board will assume that you all are  
6 going to have a discussion in the near term about  
7 privilege logs and how you want to handle that. And  
8 we'll wait to hear from you.

9 And I'm assuming we will hear back from  
10 you before the next round of discovery is due, which  
11 would be the 2nd of May. That is a Wednesday so we  
12 don't have to worry about the weekend. But hopefully  
13 before the 2nd of May we'll hear something from you  
14 all about how you want to handle privilege logs and  
15 whether anybody thinks there's going to be a need for  
16 a non-disclosure agreement at any point. It may not  
17 be necessary.

18 There may not be any privileged or  
19 sensitive information that's involved. But probably  
20 better that you all talk about that up-front and try  
21 to get a sense so we can move forward on the same  
22 footing from the beginning.

23 In terms of the balance of the schedule  
24 then one thing we will assume for the purposes of this  
25 schedule, and I recognize that there are appeals

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1 pending filed by both the Applicant and the Staff, and  
2 obviously the Commission will dispose of those as the  
3 Commission does. And I would hope certainly they  
4 would be able to get to them before the draft EIS is  
5 issued, which is towards the end of the year and  
6 hopefully, perhaps, a little earlier than that. But  
7 again that's something that's up to the Commission in  
8 terms of how they handle those.

9 But for the purposes of this discussion  
10 we'll simply assume that the contentions as the Board  
11 admitted them will go forward as well as the Joint  
12 Interveners having standing and we'll talk about it in  
13 that light.

14 The basic idea here is to put together,  
15 from the beginning, as firm a schedule as we can  
16 recognizing that in large, well a significant driver  
17 for the schedule is obviously the Staff's draft EIS as  
18 well as its final EIS and potentially its SER  
19 depending on what might be in that document. So  
20 anything we set up may need to be changed because of  
21 changes in those dates or other developments that  
22 occur.

23 But having said that I would like to talk  
24 a little bit about scheduling and begin to sort of lay  
25 things out from my perspective. And I'm going to give

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1 you a couple of documents that you can look at at your  
2 leisure later. These are from the Vogtle ESP, which  
3 was a contested hearing. Obviously we're not dealing  
4 with a reactor early site permit here. But it'll give  
5 you a sense of the way that I've done these in the  
6 past and perhaps give you something to think about as  
7 we're going forward.

8 Let me give you two ADAMS numbers. These  
9 are ADAMS accession numbers, ML0712707291. That's a  
10 May 7th, 2007 order that was entered into the Vogtle  
11 proceeding. And then another one, ML0831804560, and  
12 that's a November of 2008 scheduling order that was  
13 entered in the Vogtle ESP proceeding.

14 And you'll see there that basically the  
15 first one and the last one, if I picked them up  
16 correctly, and you'll see how the schedule there  
17 developed to some degree.

18 We have some dates from the NRC Staff.  
19 Basically the February 17th, 2012 letter that the  
20 Staff sent us at our request indicating that the  
21 current estimate for the Draft Environmental Impact  
22 Statement are December of '12. And I know I looked at  
23 the website just before I came in here, the NRC  
24 website, and it sets a tentative date of December 12th  
25 of 2012 for the draft EIS. Then a final EIS in

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1 October of 2013. And again the website indicates that  
2 that date potentially could be October 12th of 2013.

3 And then you've also indicated that the  
4 SER would be issued in October of '13. And I notice  
5 that the website actually still had that date listed  
6 as June of 2013. So the first thing I'd like to ask  
7 the Staff is at this point are there any changes to  
8 any of those dates that you're aware of?

9 MS. ALBERT: Your Honor, this is Michelle  
10 Albert. The website is incorrect about those SER  
11 dates. But there are no date changes from the letter  
12 that we submitted, it's still planned for December  
13 2012 for the draft EIS. And for the final EIS and the  
14 SER October of 2013.

15 JUDGE BOLLWERK: Okay. Let me ask you if  
16 the dates that are given you actually have assigned  
17 days to them on the website, are those days accurate  
18 at least within whatever planning you're able to do at  
19 this point?

20 MS. ALBERT: Yes, Your Honor.

21 JUDGE BOLLWERK: So for planning purposes  
22 we could use those dates, at least at this point?

23 MS. ALBERT: Yes, Your Honor.

24 JUDGE BOLLWERK: Okay. The way that  
25 normally, and what I'm sort of going to do here is go

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1 through Pages 50, 51, 52 of the Board's LBP-12-3 where  
2 we ruled on standings and intentions and sort of talk  
3 about the different steps in there in light of the  
4 dates that the Staff has given us to sort of give you  
5 some of my feelings at this point about potential  
6 scheduling. And then we can talk a little further.

7 And, again, we're looking more than six  
8 months, probably a year, or more than that, into the  
9 future but we'll try to do the best we can here. At  
10 least to get the conversation going. To get whatever  
11 input you all might have and also to let you know kind  
12 of what the Board's general parameters are.

13 The first thing it talks about, we've  
14 already talked about actually Items 2 and 3. About  
15 the mandantory disclosures and the privilege log so  
16 we've actually dealt with those items already.

17 Item 4, whether any of the parties  
18 anticipate submitting a motion for summary disposition  
19 regarding any of the admitting contentions, the timing  
20 and page length of such a motion. I guess generally  
21 it's the Applicant that has the most interest in  
22 summary disposition.

23 Let me turn to the Applicant and see if  
24 they haven any thought on that. Relative to summary  
25 disposition potentially either before or after the

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1 draft Environmental Impact Statement is issued.

2 MR. PUGSLEY: Your Honor, Chris Pugsley  
3 for Strata. Strata is currently evaluating internally  
4 whether summary disposition will be an avenue it  
5 chooses to take. Truthfully we believe that the  
6 timing for such a motion would likely not be until the  
7 Commission rules on its appeal and determining what  
8 the slate looks like going forward.

9 So I would say that that would be the  
10 trigger date, the Commission's ruling on the appeal,  
11 for when Strata would consider filing such a motion.

12 JUDGE BOLLWERK: All right. And I take it  
13 then you're saying that once the Commission rules on  
14 the appeal, wether that's before the draft EIS is  
15 issued or after the draft EIS is issued, that would be  
16 the timing date for you rather than the draft EIS  
17 itself?

18 MR. PUGSLEY: Well, Chris Pugsley again  
19 for Strata, Your Honor. With respect to the  
20 contentions as they're currently formulated, yes the  
21 Commission's response on appeal would be the trigger  
22 date. However, obviously that gets into questions of  
23 time lines for amended contentions and I know that  
24 we're obviously going to get to that in this  
25 discussion.

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1 I mean whether you'd like to discuss that  
2 now or wait until later in the conference call is fine  
3 with us. But frankly, the way we look at it all of  
4 the contentions as currently admitted are classified  
5 as environmental contentions. And we couldn't start  
6 an evidentiary hearing on environmental contentions  
7 until the FEIS is final.

8 So it seems like the most prudent course  
9 would be to, if the Joint Intervenors wanted to file  
10 amended contentions based on the Staff's findings in  
11 their FEIS, that certainly by the time they would do  
12 that and the Board would rule on the amended  
13 contention then any contentions that were amended  
14 could also be subject to summary disposition at that  
15 point.

16 JUDGE BOLLWERK: All right. The one  
17 thing, just let me say, since you raised the issue I  
18 think appropriately, the Board in its initial  
19 prehearing order of, hold on one second here. Let me  
20 see if I've got it, and I think I do. Well I can't  
21 lay my hands on it right now.

22 But in any event the initial prehearing  
23 order we set, which was pretty standard, a 30 day time  
24 frame for filing any new or amended contentions. That  
25 would be based on the, for instance the draft EIS is

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1 issued, and then there would be 30 days after that  
2 within which to file any new or amended contentions.

3 And so that would be the date that we  
4 would continue to use unless, obviously, the parties  
5 had some other date they were going to propose or move  
6 for some extension of time in a particular instance.  
7 But normally 30 days is what the Licensing Board Panel  
8 use and that's what we would continue to use here,  
9 absent some request from the parties. So that would  
10 be pretty standard.

11 You point out that it may well be that the  
12 summary disposition ought to wait until after the  
13 draft EIS comes out and any new or amended contentions  
14 are filed potentially, although that could depend.  
15 And it also could depend on when the Commission issues  
16 it's ruling as well in terms of the actual affirming  
17 or doing something else relative to the contention.  
18 But it sounds like you certainly haven't decided not  
19 to file for summary disposition at this point in any  
20 event?

21 MR. PUGSLEY: Chris Pugsley for Strata.  
22 Yes, that's correct, Your Honor. We have not made a  
23 formal decision.

24 JUDGE BOLLWERK: All right. Let me just  
25 ask that if the Staff or the Joint Intervener has

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1 anything they want to say on the subject of summary  
2 disposition. Staff first?

3 MS. ALBERT: Your Honor, it's Michelle  
4 Albert. The Staff is currently considering or  
5 exploring the option of whether it would be  
6 appropriate to file a motion for summary disposition  
7 after we receive the REI, in particular, we're  
8 considering on Contention 1. That's kind of our  
9 position on motion for summary disposition at this  
10 time. We have not have a decision one way or the  
11 other though.

12 JUDGE BOLLWERK: All right. And then  
13 anything from the Joint Interveners?

14 MR. FETTUS: Not at this time from me.  
15 Shannon?

16 MS. ANDERSON: No, Your Honor.

17 JUDGE BOLLWERK: All right. Thank you.  
18 One thing I will mention as we're moving along, is  
19 obviously there can be multiple opportunities for  
20 summary disposition. Potentially before the draft EIS  
21 is issued, after the draft EIS is issued and after the  
22 final EIS is issued. Particularly with respect to any  
23 new or amended contentions at that point.

24 The one thing I would say relative to  
25 waiting until after the FEIS is issued is that has the

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1 potential to add six weeks to two months to the  
2 schedule. So it's something that needs to be borne in  
3 mind as we set this schedule up, because generally the  
4 cases I've done we do not move to have the prefiled  
5 testimony filed until we've dealt with the summary  
6 disposition motions that might be filed after the FEIS  
7 comes in.

8 It's just bad for the efficiency of the  
9 Board and the parties generally to be trying to deal  
10 with prefiled testimony and with summary disposition  
11 motions at the same time, so I'll just make you aware  
12 of that sort of scheduling bias, if you will, that I  
13 have. And you'll see that reflected in the Vogtle ESP  
14 schedules that I provided you the ML numbers for  
15 earlier. Okay. That sort of takes care of Number 4.

16 In terms of Number 5 there's several  
17 subparts under that. Potential for establishing time  
18 lines for various evidentiary hearing related filings  
19 including a list of potential witnesses for each  
20 contention pursuant to Section 2.336(a)(1). That's  
21 obviously something that can come later in the process  
22 and may in fact be simply when you file your prefiled  
23 testimony that's your list of witnesses.

24 Although, if you prefer to have some kind  
25 of a formal designation before that that's certainly

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1 something the Board would entertain if you think it  
2 would be useful and appropriate for you all. And  
3 again, when we would do that anybody have any thoughts  
4 about that at this point? The Applicant?

5 MR. PUGSLEY: Chris Pugsley for Strata,  
6 Your Honor. It seems perfectly reasonable if we file  
7 prehearing testimony that that could serve as the  
8 witness list as well. I know that in the mandatory  
9 disclosures that all have to be filed on Monday we  
10 have to provide a preliminary witness list.

11 So I mean I think that doing it that way  
12 and then when we're about to go to evidentiary hearing  
13 considering the prehearing testimony as the list is  
14 reasonable to us.

15 JUDGE BOLLWERK: All right. Anything the  
16 Staff wants to say on that subject?

17 MS. ALBERT: Your Honor, that seems  
18 reasonable to us also, let the direct testimony  
19 provide the witness list.

20 JUDGE BOLLWERK: All right. And the Joint  
21 Interveners?

22 MR. FETTUS: This is Geoff Fettus for NRDC  
23 and that sounds fine to me.

24 JUDGE BOLLWERK: All right. Then 5(b),  
25 any unanimous requests pursuant to Section 2.310(h) to

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1 handle any specific contention under Part 2 Subpart N.  
2 Again Part 2 Subpart N being a oral only hearing. My  
3 understanding at this point is, although I haven't  
4 heard anything from the parties and we mentioned it a  
5 little earlier in this order, about any agreement that  
6 had the whole case handled under Subpart N.

7 And having not heard anything from you all  
8 about that my assumption is you don't have an interest  
9 in proceeding under Subpart N, at least not with  
10 respect to the whole proceeding. But obviously  
11 there's an opportunity potentially to designate any  
12 particular issue to be handled that way.

13 And again if you look at the Vogtle order  
14 we did put a provision in there allowing that kind of  
15 designation to be requested. Anything the Applicant  
16 wants to say in that regard?

17 MR. PUGSLEY: Chris Pugsley for Strata.  
18 No, not at this time, Your Honor. Our current  
19 position is to handle the entire proceeding with one  
20 set of procedures.

21 JUDGE BOLLWERK: All right. The Staff  
22 want to say anything?

23 MS. ALBERT: Nothing to add. This is  
24 Michelle Albert for the NRC Staff. We also are fine  
25 proceeding under Subparts D and L.

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1 JUDGE BOLLWERK: All right. And then  
2 Joint Interveners?

3 MR. FETTUS: Geoff Fettus for NRDC, and  
4 nothing to add.

5 JUDGE BOLLWERK: All right. Thank you.  
6 Okay, 5(c). Again, any motion for cross examination  
7 under Section 2.1204(b). I think if you look at the  
8 Vogtle case we had those, if anyone wanted to file  
9 such a motion, to actually the parties conduct cross  
10 examination relative to a specific issue, we had  
11 motion come in at that same time as we had the parties  
12 proposed questions under Subpart L.

13 You all have an opportunity, assuming this  
14 case goes forward under Subpart L, to propose cross  
15 examination questions for the Board to ask. And any  
16 motions by a party to do cross examination were filed  
17 at the same point.

18 Again, let me see if any of the parties  
19 had any comments on that. The Applicant?

20 MR. PUGSLEY: Chris Pugsley for Strata.  
21 I think that's an appropriate course of action, to  
22 wait until the questions are filed to submit any such  
23 motion.

24 JUDGE BOLLWERK: All right. Staff?

25 MS. ALBERT: Michelle Albert from the NRC

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1 Staff. That sounds like an appropriate course of  
2 action.

3 JUDGE BOLLWERK: All right. And the  
4 Interveners?

5 MR. FETTUS: Geoff Fettus with NRDC and  
6 that sounds fine to us too.

7 JUDGE BOLLWERK: All right. And again,  
8 just as a reminder, we'll come back to this later.  
9 Those questions, and there's now a way to do it in the  
10 E-Filing system, would be file those in-camera  
11 submissions to the Board only. Those questions are  
12 not made available to the other parties until after  
13 the initial decision is made and then they're put on  
14 the public record. So just so you're aware of that.

15 Please don't file them in the public  
16 docket because then they get served and everybody sees  
17 them and you can't un-ring that bell unfortunately.  
18 So there is a way to get them to the Board and for the  
19 Board to have them and to keep them as a matter  
20 between the party and the Board until the appropriate  
21 time. So just as a reminder.

22 Okay, 5(d). The parties initial written  
23 statements of position and written direct testimony  
24 with supporting affidavits pursuant to Section  
25 2.1207(a)(1). The main thing here, those are pretty

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1 standard, the question would be whether the parties  
2 have any feelings at this point about whether they  
3 want to file simultaneously, meaning we hear from the  
4 Applicant, the Staff and the Joint Interveners with  
5 their direct pre-file testimony at the same time and  
6 then with respect to their rebuttal at the same time.

7 Or if there's some preference for filing  
8 sequentially. And then the timing of those filings.  
9 Let me see first if anybody has any thought about  
10 simultaneous versus sequential filing. I should say  
11 if you look at the Vogtle case those were filed  
12 simultaneously.

13 MR. PUGSLEY: Your Honor, Chris Pugsley  
14 for Strata. I believe Strata's position is we that we  
15 would prefer sequential filings because it's our  
16 position that the Joint Interveners have the burden of  
17 carrying forward their contentions and we think that  
18 it's appropriate that they file first and then the  
19 staff and the applicant file simultaneously, theirs.

20 So that there's a complete understanding  
21 of the scope of each contention and where the expert  
22 testimony is required to be placed at the time. So  
23 that's our preference.

24 JUDGE BOLLWERK: All right. And that  
25 would be the Intervener then would have an opportunity

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1 to file a rebuttal.

2 MR. PUGSLEY: That's understood, Your  
3 Honor.

4 JUDGE BOLLWERK: All right. Let me see if  
5 the Staff has any preference or thoughts.

6 MS. ALBERT: Michelle Albert for the NRC  
7 Staff. We prefer to do simultaneous where everyone  
8 files at the same time, including the Intervenors and  
9 the Applicant and the Staff. We just think it would  
10 be easier for the parties.

11 JUDGE BOLLWERK: Okay and do you have any  
12 reasons why you think what the Applicant has proposed  
13 would or wouldn't work?

14 MS. ALBERT: One moment, Your Honor.

15 JUDGE BOLLWERK: I mean most of the cases  
16 I will say are filed simultaneously. But that isn't  
17 necessarily the way it has to be.

18 (Crosstalk)

19 MS. ALBERT: Sorry, Your Honor.

20 JUDGE BOLLWERK: Go ahead.

21 MS. ALBERT: I was going to say I think,  
22 Your Honor, it may risk lengthening the process.

23 JUDGE BOLLWERK: Potentially, yes.

24 MS. ALBERT: That was our concern.

25 JUDGE BOLLWERK: All right.

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1 MR. PUGSLEY: Your Honor, it's Chris  
2 Pugsley for Strata. Real briefly. Certainly that is  
3 Strata's position, sequential. However we are  
4 certainly willing to, when we engage in our  
5 discussions about privilege logs amongst the parties,  
6 we certainly are willing to put that issue on the  
7 table for internal discussion. And if we can come to  
8 an agreement on what to do we can notify the Board.

9 JUDGE BOLLWERK: All right. I have no  
10 problem with that. Let's see if the Intervener's have  
11 anything to say at this point.

12 MR. FETTUS: This is Geoff Fettus for NRDC  
13 and it's been many, many years since I've been engaged  
14 in ASLB proceeding and to be honest we haven't given  
15 a lot of thought to this issue yet. I would lean  
16 towards simultaneous filings if that's how more of the  
17 cases have been conducted and that's more what the  
18 Court is familiar with.

19 But that said, we have some time to figure  
20 this out and I'm perfectly willing to engage with the  
21 parties in the discussion of the matter and get back  
22 to you on it, to see if there could be an agreement.  
23 But, again, I will be very candid and say we haven't  
24 had a detailed discussion here as to whether we would  
25 prefer a sequential or simultaneous set of

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1 submissions.

2 JUDGE BOLLWERK: All right. Well it  
3 sounds like the Applicant is certainly willing to talk  
4 about this. Why don't you go ahead then, if you're  
5 going to have a discussion within the next week about  
6 the question of privilege logs, why don't you go ahead  
7 and include this as part of your discussion and get  
8 back to the Board if you have a resolution.

9 If you're still, you can't come to a joint  
10 agreement let us know that. If you have an agreement  
11 let us know that. And we'll go from there. Again, it  
12 does have the potential to extend the filing process,  
13 the time to filing, somewhat.

14 Simultaneous you generally get two rounds,  
15 with a sequential you're going to have three rounds.  
16 But again if the parties have a preference one way or  
17 the other we're certainly willing to consider it.

18 The one other thing I would mentioned, you  
19 know, that was sort of (d) (1). There's also (d) (2)  
20 and again if you look at the Vogtle schedule that I've  
21 provided you those were simultaneous but they also had  
22 time in there for in limine motions.

23 If you wish to do in limine motions that  
24 can add as much as six weeks to the process. So  
25 again, that's something to think about as you're

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1 looking at that schedule. They have advantages, they  
2 have disadvantages.

3 And with Subpart L where the Board is  
4 basically looking at the testimony and asking the  
5 questions sometimes I wonder whether having a lot of  
6 in limine motions is worthwhile although we did have  
7 it done in the Vogtle case, so there's certainly  
8 precedence for it.

9 But that's something you need to consider  
10 because that can, again, a considerable period, as  
11 much as a month and a half to the schedule. So  
12 something you may want to talk about that as well.  
13 You may not come to a resolution and maybe you can let  
14 us know what your feelings are about in limine motions  
15 as well, at least at this point.

16 Let me just say, is there anything that  
17 the Applicant wants to say about in limine motions?

18 MR. PUGSLEY: Chris Pugsley for Strata,  
19 Your Honor. Not at this time. We certainly think  
20 that we should have this discussion with the parties  
21 and figure out what makes the most sense.

22 JUDGE BOLLWERK: All right. Anything the  
23 Staff wants to say?

24 MS. ALBERT: Your Honor, Michelle Albert.  
25 Nothing to add.

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1 JUDGE BOLLWERK: Okay. Joint Interveners?

2 MR. FETTUS: Geoff Fettus with NRDC.

3 Nothing to add.

4 JUDGE BOLLWERK: All right. Again, that  
5 may be something you want to talk about as you look at  
6 the schedule though. I appreciate it. All right.  
7 Item Number 6. There's a couple of items in Section  
8 2.329(c)(1) through (3) that are mentioned.

9 I'm not sure that any of these at this  
10 point are going to be something that we can move  
11 forward on. But it mentions simplification and  
12 clarification of issues. The need to amend pleadings  
13 and I guess that would go to the point of new or  
14 amended contentions and I don't think at this point  
15 we're ready for that sort of thing, that I'm aware of  
16 anyway.

17 If there's any simplification or  
18 clarification that the parties however, in terms of  
19 the issues, can agree upon that would be useful. It  
20 may well be that something needs to be held in  
21 abeyance until the Commission rules but something you  
22 might want to look at again once the Commission has  
23 made any rulings on admissibility of contentions.

24 And then this goes more to the evidentiary  
25 hearing. Stipulations and admissions of fact as well

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1 as the stipulations relative to the authenticity of  
2 documents. So any stipulations about factual matters  
3 or authenticity of documents.

4 I hope that is something that you will  
5 consider as we get closer in the process to the  
6 evidentiary hearing because that can have the  
7 potential to save some considerable period of time if  
8 you can come up with those sorts of stipulations. So  
9 that's something that I will just mention that you  
10 might want to think of.

11 In terms of the evidentiary hearing  
12 itself, if you look at the Vogtle schedule and you  
13 look at the guidelines for Subpart L proceedings,  
14 we're supposed to have an evidentiary hearing within  
15 approximately 175 days, which is just short of six  
16 months of the issuance of the final EIS or the SER,  
17 depending on what the contentions relate to. In this  
18 case, at least at this point, that would be the FEIS.

19 I think the Vogtle case actually went to  
20 hearing approximately seven months after the final  
21 FEIS came out so there's a little play in the joints  
22 as it were, but we're talking six to seven months  
23 potentially.

24 Again, as you see that schedule however,  
25 there was an opportunity for summary disposition on

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1 new and amended contentions that might be filed after  
2 the FEIS. There was also in limine motions in there  
3 so that is probably another two and a half to three  
4 months that are built into that schedule.

5 But, having said that, it looks like we're  
6 looking at a hearing, assuming the FEIS comes out as  
7 currently scheduled in October of 2013, in the April,  
8 May, June timeframe of 2014.

9 Obviously I don't think we're going to try  
10 and set a hearing date today. Although there will  
11 come a point, perhaps not in the too distant future,  
12 that we'll begin to want to look at that because I  
13 prefer to begin actually dealing with real dates  
14 rather than having the sort of schedule that says that  
15 within 30 days after X, Y is going to happen.

16 I think it's good to begin to nail things  
17 down and get an actual date so we're thinking about  
18 it. At this point asking you all how long the  
19 evidentiary hearing is going to take doesn't really  
20 make a lot of sense because the Board asks the  
21 questions in a Subpart L proceeding. So it's really  
22 a question of how many issues, how many questions we  
23 have and we don't know that yet.

24 I would think that we're talking, given  
25 past experience, probably somewhere between a two to

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1 .four day hearing given four contentions. So generally  
2 coming into, and we would probably go out to Wyoming  
3 to do it, so we're probably talking about a Tuesday,  
4 Wednesday, Thursday at some point.

5 I think the Board probably would consider  
6 doing some limited appearance statements while we're  
7 there. So that would be something we'd want to  
8 include in that schedule as well.

9 One thing I would like any input from you  
10 all on, and it can be informal back to Mr. Maltese if  
11 you prefer or however you want to do it, if you have  
12 any suggestions about places in the area, whether it's  
13 in, and I recognize it's not a heavily populated area,  
14 but whether it's in Gillette or Moorcroft or Hulett or  
15 Oshoto or Carlisle, which seem to be the towns in the  
16 area.

17 Any of those that have facilities that  
18 might be appropriate, if not for the evidentiary  
19 hearing then for the limited appearance statements  
20 which we can do in a high school auditorium or all  
21 kinds of other places. If you want to let Mr. Maltese  
22 know, I know the staff, I think, has been out there  
23 before. The Applicant may have a sense. If the  
24 Interveners know of any place in that area that would  
25 be appropriate for the evidentiary hearing.

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1                   We'd also be interested if you know of any  
2 state or local courthouses that are available, it  
3 might be for two or three days. Anything that you can  
4 let us know about you might just give Mr. Maltese and  
5 email and let him know that, say within the next week  
6 to two weeks so we can begin at least thinking about  
7 that.

8                   MS. ALBERT: Your Honor?

9                   JUDGE BOLLWERK: Yes.

10                  MS. ALBERT: This is Michelle Albert on  
11 behalf of the NRC Staff. We wanted to recommend  
12 Sundance as a good place for a hearing in Wyoming.

13                  JUDGE BOLLWERK: Okay. That's a little  
14 bit further away. But if there's facilities there,  
15 but it's certainly within that area. Part of it is we  
16 want to be as close to the facility as we can. But we  
17 also want to make it so that we're not going someplace  
18 where the facilities simply aren't there to handle the  
19 hearing.

20                  MR. THOMPSON: Your Honor, this is Tony  
21 Thompson for Strata. Your timeframe for the hearing,  
22 that assumes no cross examination?

23                  JUDGE BOLLWERK: That's correct. In other  
24 words that's a Subpart L proceeding. I would think on  
25 four contentions we're talking probably at least a day

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1 and a half to two days. I would say two days at the  
2 outside. But depending on what it is it might go  
3 longer.

4 So I just can't say at this point. But I  
5 think we're talking somewhere in the neighborhood of  
6 two to four days. I'm being a little more expansive  
7 here because we're pretty far out. But I think you  
8 ought to plan for at least two days and maybe as many  
9 as four. Okay?

10 MR. THOMPSON: Yes.

11 JUDGE BOLLWERK: All right. In that  
12 regard also, and I don't know if the Applicant, the  
13 Staff or the Intervener had any feelings about the  
14 Board doing a site visit at some point while we're out  
15 there as well. I recognize it's flat and not much  
16 there but on the other hand I've been out to some  
17 pretty, like the ARAVA case, pretty flat areas, wasn't  
18 much there but it was certainly useful getting a sense  
19 of where the site was at. Is there anything the  
20 Applicant wants to say in that regard?

21 MR. PUGSLEY: Yes, Your Honor. It's Chris  
22 Pugsley for Strata. I think that we agree that a site  
23 visit is warranted. It makes a lot of sense for the  
24 hearing. And no matter what the topography is or what  
25 it is it's always good to have the proper frame of

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1 reference. So we would suggest a site visit would be  
2 appropriate.

3 JUDGE BOLLWERK: All right. And when I  
4 say not much there I'm talking about not much there in  
5 terms of facility obviously. But there's obviously  
6 things there that need to be to be seen. So anything  
7 the Staff wants to say?

8 MS. ALBERT: Your Honor, we would defer.  
9 We would not oppose a site visit. It could be helpful  
10 and we would accompany both OGC and the staff would be  
11 accompanying the site visit.

12 JUDGE BOLLWERK: All right. And Joint  
13 Interveners?

14 MS. ANDERSON: Your Honor, this is Shannon  
15 Anderson on behalf of Powder River Basin Resource  
16 Council, a site visit would be fine. I assume that we  
17 would be able to participate in it.

18 JUDGE BOLLWERK: Yes.

19 MS. ANDERSON: That would be fine.

20 JUDGE BOLLWERK: All right. Well we'll  
21 put that on the tentative agenda then and it may well  
22 be that we'll end up doing all those at one point in  
23 terms of the limited appearances, the evidentiary  
24 hearing, the site visit. Try to work that into one  
25 schedule of a week or so when we're out there. But

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1 that's a little bit in the future but we need to begin  
2 thinking about that in any event.

3 MS. ALBERT: Your Honor?

4 JUDGE BOLLWERK: Yes.

5 MS. ALBERT: I just wanted to make one  
6 recommendation. It's Michelle Albert on behalf of NRC  
7 Staff.

8 JUDGE BOLLWERK: Yes.

9 MS. ALBERT: The staff would recommend a  
10 visit between May and September due to the weather out  
11 there.

12 JUDGE BOLLWERK: Right. I think that's,  
13 on the whole, a good idea. And right now, at least in  
14 terms of the schedule we have with the issuance for  
15 the FEIS it looks like the potential dates of April  
16 through June of 2014 would fall within that window.  
17 So obviously if the FEIS slips then that could push us  
18 back so we'll just have to see how that plays out. It  
19 being there I think December through February or March  
20 is probably less useful anyway.

21 Number 7 I hadn't mentioned and I suspect  
22 this may depend on what happens with the Commission  
23 and the appeal. But I always like to raise, at an  
24 early point, the possibility of any settlement on any  
25 of the contentions, either in whole or in part. The

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1 more that we can focus the issues whether it's through  
2 settlements, summary disposition, other means, I think  
3 that's always a useful process.

4           Going to an evidentiary hearing because we  
5 want to have specific issues, to the degree as  
6 possible, we'll know exactly what we're looking at.  
7 I don't know if the parties have had any settlement  
8 discussions. If they want to have any settlement  
9 discussions. Or there's any thought about whether it  
10 would be useful to appoint a settlement judge pursuant  
11 to Section 2.338(b). Let me see, anything the  
12 Applicant might have to say at this point?

13           MR. PUGSLEY: Chris Pugsley for Strata,  
14 Your Honor. We are certainly open to any and all  
15 settlement discussions from the Joint Interveners and  
16 we recommend that we put that issue on the table for  
17 when the three parties get together to discuss the  
18 other matters we said we would.

19           We believe that the appointment of a  
20 settlement judge may become necessary if we all  
21 parties sense there is an opportunity to work a  
22 settlement of any or all contentions and we certainly  
23 would notify the Board of the request for a settlement  
24 judge if that happens.

25           JUDGE BOLLWERK: All right. Again, that's

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1 something we would have to go back to the Chief  
2 Administrative Judge and get him to appoint someone,  
3 but obviously letting us know earlier than later is a  
4 good idea. Staff, any thoughts?

5 MS. ALBERT: Your Honor, this is Michelle  
6 Albert. The Staff doesn't have anything to add. We  
7 defer to the Interveners and the Applicant, though  
8 we're happy to be party to the discussions.

9 JUDGE BOLLWERK: Okay. And then Joint  
10 Interveners?

11 MR. FETTUS: Geoff Fettus for NRDC. We  
12 are of course open to any and all settlement  
13 discussions. I think I agree with your initial first  
14 statement, Your Honor, and we're certainly willing to  
15 start next week, talking about it when we sit down,  
16 but at the same time I think a lot of that may have to  
17 wait until the Commission rules.

18 And the other thing that may be a positive  
19 trigger for any settlement discussions could be the  
20 draft EIS as well. So we're open at all times but I  
21 think those will be helpful times in triggering the  
22 discussion.

23 JUDGE BOLLWERK: All right. Well again it  
24 sounds like you're thinking about it at least so I  
25 think that's a positive step. Please feel free to

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1 talk about it next week as you talk the other matters  
2 you've got, the discovery, the privilege logs and  
3 other matters. And let us know again if you think  
4 that a settlement judge at any point is appropriate.  
5 We'll be glad to go to the Chief Administrative Judge  
6 and engage him about getting someone appointed.

7 All right. At this point I think I've run  
8 through my list. Let me ask first, Judge Cole, is  
9 there anything you want to raise to the parties?

10 JUDGE COLE: Not at this time, no.

11 JUDGE BOLLWERK: All right. Judge  
12 Mossman?

13 JUDGE MOSSMAN: Nothing at this time.

14 JUDGE BOLLWERK: All right. Let me then  
15 see if the parties have anything they wish to raise  
16 with the Board. Let me start with the Applicant.

17 MR. PUGSLEY: Your Honor, Chris Pugsley  
18 for Strata. Not at this time.

19 JUDGE BOLLWERK: All right. Anything from  
20 the Staff?

21 MS. ALBERT: Your Honor, this is Michelle  
22 Albert. Nothing to add at this time.

23 JUDGE BOLLWERK: All right. Anything from  
24 Joint Intervenors?

25 MR. FETTUS: Geoff Fettus with NRDC.

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1 Nothing to add at this time.

2 JUDGE BOLLWERK: All right. Let me turn  
3 to Mr. Maltese. Anything I've forgotten that you've  
4 thought of?

5 MR. MALTESE: No, sir, Your Honor.

6 JUDGE BOLLWERK: All right, just making  
7 sure. You've got a list over there I want to make  
8 sure I get everything checked off. All right. Well  
9 at this point I think you all are going to be getting  
10 back to us hopefully in the next week to ten days, or  
11 thereabouts, addressing a couple of issues that we've  
12 talked about here.

13 We will be putting out an order in the  
14 near term dealing with the question of when discovery  
15 begins and I think you ought to be prepared to start  
16 next Monday. And then we may well wait until you get  
17 back to us on your discussions about the privilege  
18 logs and the other matters on issuing our scheduling  
19 order, especially if you're going to give us a  
20 recommendation about simultaneous versus sequential  
21 filings. That would effect how that order would look.

22 But the guidelines say 55 days, which is  
23 next Thursday, if we go a couple days past that I'm  
24 not typically concerned. Why don't you do this. If  
25 you feel that you can't get back to the Board by next

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1 Friday, after you've had your discussions, why don't  
2 you let Mr. Maltese know and then we can proceed from  
3 there.

4 Just give him an email or a call, someone,  
5 one of the parties, if you think that sometime next  
6 week that by next Friday you're not going to be able  
7 to let us know what your status is. If you need a  
8 couple more days that would be good to know so that we  
9 know then about holding off on issuing any scheduling  
10 order. Is that clear, what I'm asking for?

11 MR. PUGSLEY: Chris Pugsley for Strata.  
12 Yes, Your Honor.

13 JUDGE BOLLWERK: Okay. Again, just  
14 contact Mr. Maltese and just let him know exactly what  
15 you have up if you need more time getting back to the  
16 Board. All right. Well as been pointed out, I guess  
17 in part we're waiting for the Commission here. I'm  
18 hoping the Commission will be able to give all of us  
19 an answer about the appeals promptly. But they do  
20 what they do when they do it.

21 I guess the Summer case, the COL is  
22 actually being issued, potentially, if they move  
23 forward this week and that would take a large thing  
24 off of their platter and they have other cases to deal  
25 with. But hopefully this is one they can put some

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1 time into and give us an answer so we can move forward  
2 one way or the other. Or how we move forward.

3 Again, I apologize for the short notice on  
4 having to reschedule last week. I do appreciate you  
5 making yourselves available this week and I think the  
6 conference we've had here has been very productive.

7 There will be a transcript that will be  
8 issued about the next two or three days that  
9 memorializes all of this and obviously put on the  
10 public record, you'll receive a copy of it. If  
11 there's any questions in the interim just contact Mr.  
12 Maltese.

13 Let me ask the court reporter, anything,  
14 sir, from your perspective that you need to know? Any  
15 information, spellings, anything that's come up that  
16 you want to get settled at this point?

17 COURT REPORTER: Just one thing, Your  
18 Honor. The other gentleman on the phone for Strata,  
19 is it Anthony Thompson? Is that correct?

20 MR. THOMPSON: Yes.

21 COURT REPORTER: Okay, that's my only  
22 question, Your Honor.

23 JUDGE BOLLWERK: All right. Well then  
24 again we appreciate you making yourselves available to  
25 us. And once we've gotten the input from you we'll

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1 put out a scheduling order, the discovery order  
2 earlier than that. And if we need to have another  
3 conference call we'll let you know. If you need to  
4 hear anything from us or you have any questions let us  
5 know.

6 And at this point, again, our thanks. And  
7 we stand adjourned.

8 (Whereupon, the prehearing meeting in the  
9 above-mentioned matter went off the record at 2:25  
10 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings  
before the United States Nuclear Regulatory  
Commission

Proceeding: Pre-Hearing Conference  
Strata Energy, Inc.

Docket Number: 40-9091-MLA

ASLBP Number: 12-915-01-MLA-BD01

Location: teleconference

were held as herein appears, and that this is the  
original transcript thereof for the file of the  
United States Nuclear Regulatory Commission taken  
and thereafter reduced to typewriting under my  
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*Neal R. Gross*

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