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NUCLEAR REGULATORY COMMISSION

Title: Entergy Nuclear Operations, Inc.

Docket Number: 50-247-LA

ASLBP Number: 15-942-06-LA-BD01

Location: Teleconference

Date: July 1, 2015

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Pages 1-13

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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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SCHEDULING TELECONFERENCE CALL

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In the Matter of: :

ENTERGY NUCLEAR : Docket No. 50-247-LA

OPERATIONS, INC. : ASLBP No. 15-942-06-LA-BD01

(Indian Point Nuclear :

Generating Station, :

Unit 2) :

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Wednesday, July 1, 2015

Teleconference

BEFORE:

E. ROY HAWKENS, Chairman

DR. GARY S. ARNOLD, Administrative Judge

DR. SUE H. ABREU, Administrative Judge

1 APPEARANCES:

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P R O C E E D I N G S

1:04 p.m.

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3 MR. HAWKENS: My name is Roy Hawkens. I'm
4 the License Board Chairman in this case which is
5 entitled, Entergy Nuclear Operations, Incorporated,
6 Indian Point Nuclear Generating Station, Unit 2.
7 Docket number 50-247-LA.

8 Dr. Gary Arnold and Dr. Sue Abreu are also
9 Board Members who are joining me today. Judge Arnold
10 is here with me in Rockville. Judge Abreu is
11 participating by telephone from North Carolina.

12 Board's Law Clerk, Alana Wase is also with
13 us here in Rockville as is the Board's Administrative
14 Assistant Karen Valloch.

15 Would counsel for the parties please
16 introduce themselves for the record starting with New
17 York.

18 MR. SIPOS: Good afternoon, Your Honors.
19 My name is John Sipos. S-I-P as in Paul O-S as in
20 Sam, Assistant Attorney General for the State of New
21 York.

22 MR. HAWKENS: Thank you, Mr. Sipos.

23 Entergy?

24 MR. BESSETTE: Yes, Your Honor. This is
25 Paul Bessette. I'm an attorney at the Morgan, Lewis

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1 & Bockius representing Entergy on this matter. Also
2 on the line, I'm in Washington, D.C., also on the line
3 is my colleague Martin O'Neill, also from Morgan,
4 Lewis and he is in Houston.

5 MR. HAWKENS: Thank you, Mr. Bessette. NRC
6 staff?

7 MR. TURK: Good afternoon, Your Honor.
8 This is Sherwin Turk. Joining me today is Anita
9 Ghosh, G-H-O-S-H and also on the telephone from a
10 separate location is Brian Harris.

11 MR. HAWKENS: Thank you, Mr. Turk.

12 The Licensing Board has read the pleadings
13 submitted by the party and we determined that we would
14 benefit by oral argument in resolving the
15 admissibility of New York's contentions and so the
16 purpose of this pre-hearing telephone conference is as
17 we indicated in a prior order to determine both the
18 location and the date of an oral argument.

19 Starting with location, the Board is
20 willing to hold it by teleconference unless all the
21 parties would be willing to come to the Rockville
22 Hearing Room. So, with that in mind, let me start
23 with New York and ask Mr. Sipos, do you have a
24 preference as far as either presenting argument in
25 person in the Rockville Hearing Room or presenting

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1 argument by teleconference?

2 MR. SIPOS: Thank you, Your Honor. This is
3 John Sipos. The State ordinarily would prefer to
4 conduct such an argument in person but would in this
5 situation and if it is to be held in person would be
6 willing to come to Rockville. But in this situation
7 the State would also be willing to conduct or
8 participate in the oral argument by phone.

9 MR. HAWKENS: Thank you, Mr. Sipos. Are
10 you neutral then on the issue of location? Do you
11 have a preference? Sometimes a petitioner lacks
12 funding for travel purposes, lodging purposes and if
13 that's the case if New York has difficulties in that
14 regard we'll acknowledge them and accommodate them.

15 MR. SIPOS: Thank you, Your Honor. The
16 State would not have any restrictions in that regard
17 regarding travel or lodging. And so depending on
18 availability of counsel the State would be willing to
19 have a representative travel to Rockville.

20 MR. HAWKENS: Thank you very much.

21 Mr. Bessette, does Entergy have a
22 preference regarding appearing in Rockville as opposed
23 to telephone oral argument?

24 MR. BESSETTE: No, Your Honor, we don't
25 have a preference. As I'm located in Washington, I

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1 could easily attend and my colleague, Martin O'Neill,
2 would join me and he could travel as well. We would
3 also likely have a client with us but they're located
4 in New York so they could travel as well. So, either
5 option would work well for us, Your Honor.

6 MR. HAWKENS: Thank you. And, of course,
7 your clients could appear with you and oral argument
8 would be open to public as your know, Mr. Bessette,
9 so --

10 MR. BESSETTE: Yes.

11 MR. HAWKENS: -- that would not be a
12 problem.

13 Let's here now from Mr. Turk.

14 MR. TURK: Your Honor, we have no
15 preference.

16 MR. HAWKENS: All right. Thank you.

17 The preference of the Board if everybody
18 is willing and able to appear in person, our
19 preference would be to talk to you eyeball to eyeball.
20 So, for present let's assume that the oral argument
21 will be here in the Rockville Hearing Room and let's
22 now turn to potential dates.

23 And let's here first from Mr. Sipos about
24 dates in July and August you would available to come
25 and I should mention I don't anticipate this would be

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1 a lengthy argument. If was contemplating would be no
2 more than two hours in length.

3 MR. SIPOS: Thank you, Your Honor. This is
4 John Sipos.

5 Your Honor, New York has two
6 representatives in this proceeding who have entered
7 notices of appearance. One is me. The other is my
8 colleague Brian Lusignan who is out of the office and
9 out of the country today but will be returning. And
10 our schedules are such that, I believe, one of us
11 would be generally available. We do have some
12 restrictions. I will be myself out of the country for
13 approximately three weeks in July but Mr. Lusignan
14 will be returning tomorrow and has some limitations,
15 some previous commitments but I believe that the
16 State could cover July and I'm just checking his notes
17 regarding August. I think there is general
18 availability including the first week of August and it
19 looks like the second week as well.

20 MR. HAWKENS: Let me summarize that, my
21 understanding of what you just said, Mr. Sipos.

22 You're going to be absent the first three
23 weeks in July but your colleague would be available
24 throughout the month of July generally?

25 MR. SIPOS: Yes, there are some dates where

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1 is limited. I note the 9th and the 31st of July and
2 there are a couple of time blocks on certain dates
3 that he would not be available but we could discuss
4 those. I'm happy to discuss those now or whenever
5 Your Honor believes would be appropriate. I'm out of
6 the country from the 8th to the 30th.

7 MR. HAWKENS: All right. And when is the
8 soonest in July do you think your colleague would be
9 prepared to make an oral presentation?

10 MR. SIPOS: I'm just looking right now.
11 The week of the 13th is clear except for there's two
12 segments on Mondays and Fridays that he has a standing
13 commitment. But that week looks open and also --
14 well, the 9th is out as I said so I think that might
15 make that week complicated.

16 So, my proposal right now or response to
17 your question, Your Honor, is week of the 13th.

18 MR. HAWKENS: That would be the earliest.
19 Okay.

20 MR. SIPOS: Right.

21 MR. HAWKENS: The 9th is already out but
22 that's before the week of the 13th and you said the
23 31st there may be scheduling problems for a portion of
24 the day.

25 MR. SIPOS: Yes. He is blocked out on the

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1 9th and the 31st and then on Mondays there's an hour
2 right before lunch and on Friday there's an hour right
3 at lunch time. But other than that --

4 MR. HAWKENS: All right.

5 MR. SIPOS: --it's the 9th and the 31st
6 for Mr. Lusignan.

7 MR. HAWKENS: Thank you.

8 Mr. Bessette. Oh and as for August you
9 indicated availability generally the first week and
10 the second week, Mr. Sipos?

11 MR. SIPOS: Yes, that's Monday the 3rd --
12 the week of Monday the 3rd and the week of Monday the
13 10th.

14 MR. HAWKENS: All right. Thank you.

15 Mr. Bessette, your availability in July
16 and August, please.

17 MR. BESSETTE: Yes, Your Honor. There's a
18 conflict on July 8th due to client unavailability.
19 And most of my legal team is preparing for another
20 matter the week -- the first part of the week of the
21 13th, 13th, 14th and 15th. So, we are out of the
22 office those days.

23 Other than the 8th and the week of the
24 13th we are generally available for the rest of July
25 and August looks fine as well.

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1 MR. HAWKENS: Terrific. Thank you, Mr.
2 Bessette.

3 Mr. Turk? Availability of the NRC Staff
4 in July and August, please.

5 MR. TURK: Thank you, Your Honor. Except
6 for a few hours here or there the only time we would
7 like to reserve for not being present at argument
8 would be the week of August 9th to the 15th. That's
9 Sunday to Saturday. I'll be out of town that week.
10 And Ms. Ghosh will be out of town the last two weeks
11 of August, the week of August 23rd and August 30th.
12 Otherwise, you know, rather than worry about an hour
13 here, an hour there those are really the times that we
14 would have problems.

15 MR. HAWKENS: Right. And let me summarize
16 my understanding of what you said.

17 July is reasonably open. August 9th to
18 the 15th you would not be available and it sounds like
19 the last two weeks in August Ms. Ghosh would not be
20 available?

21 MR. TURK: Correct. Let me add two dates
22 to this, but, Your Honor, you did summarize correctly
23 what I had said.

24 I would also probably not be available on
25 Friday the 17th of July or Monday the 27th of July.

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1 MR. HAWKENS: The 17th and the 27th of July
2 you'd be unavailable. All right.

3 Good. Okay. Well, thank you for that
4 information. I'm going to need to now after we're
5 done with the conference call the Board Members, our
6 Licensing Clerk and our Admin Assistant will take a
7 look at the day in which all parties are available and
8 come up with a day. As I indicated it will not be a
9 lengthy argument. We will endeavor not to schedule it
10 on a Monday or a Friday also if possible.

11 After making that determination we'll
12 issue a scheduling order that will indicate order of
13 appearances, amount of time for presentation and any
14 specific topics the board may wish a participant to
15 focus on. And we will endeavor to get that order out
16 either tomorrow, if not tomorrow, first thing next
17 week.

18 Are there any additional matters that any
19 of the participants wish to discuss or bring up?

20 New York?

21 MR. SIPOS: Thank you, Your Honor. Not at
22 this time.

23 MR. HAWKENS: Thank you, Mr. Bessette?

24 MR. BESSETTE: No, Your Honor, thank you.

25

1 MR. HAWKENS: Thank you. Mr. Turk?

2 MR. TURK: Nothing for the staff at this
3 time, Your Honor.

4 MR. HAWKENS: All right. I'd ask that the
5 participants stay on the line after we adjourn in the
6 event the Court Reporter, Mr. Walter, has any
7 questions for them.

8 And with that, I'll terminate the pre-
9 hearing conference from the Licensing Board's
10 perspective and we're adjourned.

11 Thank you very much.

12 (Whereupon, the above-entitled matter went
13 off the record at 1:19 p.m.)

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