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**NUCLEAR REGULATORY COMMISSION**

Title: Entergy Nuclear Vermont Yankee

Docket Number: 50-271-LA-3

ASLBP Number: 15-940-03-LA-BD01

Location: teleconference

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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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CONFERENCE CALL

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In the Matter of: : Docket No.

ENERGY NUCLEAR VERMONT: 50-271-LA-3

YANKEE, LLC, AND : ASLBP No.

ENTERGY NUCLEAR : 15-940-03-LA-BD01

OPERATIONS, INC. :

(Vermont Yankee :

Nuclear Power Station):

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Thursday, September 10, 2015

Teleconference

BEFORE:

WILLIAM J. FROEHLICH, Chair

DR. MICHAEL F. KENNEDY, Administrative Judge

DR. RICHARD E. WARDWELL, Administrative Judge

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

1:00 p.m.

CHAIRMAN FROEHLICH: Good afternoon, all. This is Judge Froehlich in Rockville, Maryland. With me are Judges Kennedy and Wardwell and the Board's law clerk Nicole Pepperl.

Who's on the line for the parties at this point?

MR. BURDICK: Good afternoon, Judge Froehlich. This is Stephen Burdick on behalf of Entergy. And I'm also joined by Paul Bessette and by Susan Raimo, who's senior counsel with Entergy.

CHAIRMAN FROEHLICH: Thank you, Mr. Burdick.

Is the staff on the line?

MR. WACHUTKA: Yes, Your Honor. This is Jeremy Wachutka for the NRC staff and I am joined with counsels Beth Mizuno and Anita Ghosh.

CHAIRMAN FROEHLICH: Thank you. And the State of Vermont?

MR. LANDIS-MARINELLO: Yes, this is Kyle Landis-Marinello and in the room with me is Assistant Attorney General Scott Kline and Aaron Kisicki from the Vermont Department of Public Service.

CHAIRMAN FROEHLICH: Thank you. Thank

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1 you, all.

2 On October 31st in LBP-15-24 this Atomic  
3 Safety and Licensing Board granted the petition to  
4 intervene and the hearing request filed by the State  
5 of Vermont challenging the license amendment request  
6 filed by Entergy Nuclear Vermont Yankee, LLC and  
7 Entergy Nuclear Operations.

8 The Board's order admitted two  
9 contentions. Contention --

10 THE OPERATOR: Ex --

11 CHAIRMAN FROEHLICH: I'm sorry?

12 THE OPERATOR: Excuse me. I'm sorry.  
13 This is the operator. Do you want to be live in the  
14 conference now?

15 CHAIRMAN FROEHLICH: Yes, that would be  
16 great.

17 THE OPERATOR: Okay. I'll move you in and  
18 I'll introduce you, Judge Froehlich. One moment,  
19 please.

20 CHAIRMAN FROEHLICH: Sorry.

21 THE OPERATOR: Welcome and thank you for  
22 standing by. For the duration of this conference all  
23 participants will be in a listen-only mode. I would  
24 now like to turn the conference over to Judge  
25 Froehlich.

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1 CHAIRMAN FROEHLICH: Operator, the speaker  
2 line are open so that --

3 THE OPERATOR: Yes.

4 CHAIRMAN FROEHLICH: -- the parties to the  
5 -- oh, okay. Thank you.

6 THE OPERATOR: You're very welcome.

7 CHAIRMAN FROEHLICH: Not so we have to  
8 repeat ourselves, but was the court reporter with us  
9 when we spoke a few minutes ago?

10 THE OPERATOR: Yes, she was.

11 CHAIRMAN FROEHLICH: Okay. Then let's  
12 pick up where we left off, and where I was saying that  
13 the Board had admitted two contentions. Contention I  
14 concerns the necessity for a 30-day requirement prior  
15 to the use of a decommissioning trust fund for  
16 expenses other than ordinary administrative costs to  
17 operate the fund. And Contention V which deals with  
18 a legal issue as to whether the LAR is in accordance  
19 with the provisions of paragraph 8 of 10 CFR 50.75  
20 when a licensee is already exempt from two provisions  
21 of 10 CFR Section 50.75(h)(1)(iv).

22 The Board issued an order on September  
23 3rd, 2015 scheduling this conference call for the  
24 purposes of establishing an orderly way of proceeding  
25 with this case and for the issuance of our initial

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1 scheduling order.

2 Have the parties had an opportunity to  
3 review the Board's proposed schedule which provides an  
4 opportunity first to brief the legal issues related to  
5 Contention V and then addresses Contention I in an  
6 oral hearing at after the staff issues the results of  
7 it's environmental review?

8 MR. BURDICK: Judge Froehlich, this is  
9 Stephen Burdick on behalf of Entergy. Yes, we've had  
10 a chance to review the scheduling order.

11 CHAIRMAN FROEHLICH: And, Mr. Burdick,  
12 have the parties discussed among themselves leading up  
13 to this telephone conference the outline or the  
14 provisions that the Board has set forth in that order?

15 MR. BURDICK: Yes, Your Honor. We've had  
16 multiple phone calls and many email communications  
17 with various proposals and counter-proposals, so we've  
18 discussed this in some detail. I'll just get us  
19 started, but other counsel may want to contribute as  
20 well.

21 But I think we have reached some  
22 proposals, some agreed upon proposals by the parties  
23 to the Board on some issues. We have not reached  
24 agreement on other issues and there may be a few  
25 issues where we just have a little bit of additional

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1 discussion on them, but we're ready to discuss these  
2 with the Board here today.

3 CHAIRMAN FROEHLICH: That's good, and I  
4 thank the parties for discussing this amongst  
5 themselves before today's conference. Hopefully that  
6 will make things move along that much more smoothly.

7 Where shall we begin? I guess the  
8 overarching approach the Board had decided to take was  
9 to proceed first with Contention V, treating that as  
10 a purely issue and taking briefs on that and then at  
11 some point after the staff issues its environmental  
12 conclusions to move forward with the oral hearing on  
13 Contention I. Did that generally meet with agreement  
14 among all of the parties?

15 MR. BURDICK: Your Honor, this is Stephen  
16 Burdick again on behalf of Entergy. I believe all the  
17 parties are aligned with that overall process. One  
18 area that we did reach agreement on was the trigger  
19 point for the hearing on Contention I that we wanted  
20 to discuss with the Board. Specifically in the  
21 Board's September 3rd order it had included a table 2  
22 and a table 3. And the parties are generally in  
23 agreement with those two tables, however, those two  
24 tables have triggers related to the NRC's issuance of  
25 the results of its environmental review.

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1           It's possible that the staff could issue  
2 the results of the environmental review prior to the  
3 Board concluding its -- or issuing its initial  
4 decision on Contention V. So our proposal on that,  
5 with which we agreed, was to change the trigger date  
6 for table 1 to be the NRC staff issuance of the result  
7 of its environmental review or issuance of the initial  
8 decision on Contention V, whichever is later. And we  
9 thought that that was consistent with the Board's  
10 discussion that it would proceed first with Contention  
11 V and then would only continue on with Contention 1  
12 once it has issued an initial decision.

13           With the same change with respect to table  
14 3, although it's a little different. The beginning of  
15 table 3 would -- our proposal would be it would stay  
16 the same because any new and amended contentions would  
17 still be triggered off of the staff's issuance of the  
18 results of its environmental review, but in the middle  
19 of table 3 where it talks about the Board decision,  
20 that that would be changed to the Board decision on  
21 new or amended contentions, or again issuance of the  
22 initial decision on Contention V, whichever is later.  
23 And so that would be the trigger from going from new  
24 and amended contentions into the hearing process.

25           So that's the proposal that we had

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1 discussed and agreed up with respect to tables 2 and  
2 3.

3 CHAIRMAN FROEHLICH: That makes sense.  
4 And the Board was not certain at the timing I guess of  
5 the issuance of the staff's environmental review, so  
6 perhaps at this point I would ask counsel for the  
7 staff if there is at this point some projected date or  
8 timeline that would give us a little bit of guidance  
9 on when the parties and the Board can expect the  
10 results of the environmental review.

11 MR. WACHUTKA: Yes, Your Honor. This is  
12 Jeremy Wachutka for the NRC staff. The staff is  
13 actively working on the safety evaluation, but it  
14 doesn't have a projected date for issuance, and so  
15 it's uncertain whether the environmental review  
16 results to which all of these things are pegged to  
17 would happen after the initial decision. It's  
18 possible as counsel for Entergy stated that it could  
19 be before the initial decision. The NRC staff agrees  
20 with also making this ER or initial decision,  
21 whichever comes first. I mean, whichever comes later.  
22 Sorry.

23 CHAIRMAN FROEHLICH: Okay. I don't want  
24 to put you on the spot. I just wondered if the staged  
25 of the active, I guess, preparation of the

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1 environmental review is more likely to be within the  
2 next let's say 120 days, or would it be something  
3 longer than that? Would you have a feel for whether  
4 this was something that although being actively being  
5 pursued is likely to come out within 120 days or it's  
6 going to be considerably longer than that?

7 MR. WACHUTKA: Your Honor, I'd be  
8 confident saying it would be done within 120 days.

9 CHAIRMAN FROEHLICH: Okay. Thank you.  
10 That is helpful.

11 All right. Were there any other -- one of  
12 the Board's beliefs, the agreed upon revisions to the  
13 schedules, tables, I guess, 2 and 3 from our order  
14 makes sense, and that's perfectly acceptable and in  
15 the initial scheduling order. We'll revise any tables  
16 that are included there to include the provision of  
17 the "or" date trigger, the latter of the environmental  
18 review or the initial decision on Contention V. And  
19 I thank the parties for that agreement and that  
20 suggestion to the schedule.

21 Was there discussion among things that I  
22 guess have to take place once something is moving  
23 towards hearing going towards the dates for the  
24 initial disclosures and the staff hearing file?

25 MR. BURDICK: Yes, Your Honor. This is

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1 Stephen Burdick, counsel for Entergy again. We have  
2 certain proposals that have been discussed both with  
3 respect to the briefing schedule for Contention V, but  
4 that's also linked to the schedule for mandatory  
5 disclosures on the contentions. I think given their  
6 connection it's -- in our prior discussions before  
7 this call it makes sense to start with the schedule  
8 for mandatory disclosures.

9           There had been two separate proposals that  
10 I think we'd like to discuss with the Board today.  
11 One proposal, given the bifurcation of the two  
12 contentions and the proceeding first with Contention  
13 V and then with Contention I, was to delay the  
14 mandatory disclosures on Contention I until after  
15 resolution of Contention V. And I note the NRC staff  
16 counsel also feels -- or has a view on this, but I'd  
17 like their input. But I think the benefit of that  
18 proposal was to -- as the Board acknowledges in its  
19 September 3rd order, depending on the results of  
20 Contention V, that could certainly impact the hearing  
21 process for Contention I and to preserve some of the  
22 resources that it would take to go through the  
23 mandatory disclosure process and the hearing file  
24 process.

25           But I guess I'd turn it to NRC staff

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1 counsel for any input on this specific proposal.

2 MR. WACHUTKA: Your Honor, this is Jeremy  
3 Wachutka from the NRC staff. The NRC staff agrees  
4 with this proposal. Just reading the initial  
5 scheduling order it seems that the resolution of  
6 Contention V could resolve Contention I. And so if  
7 there may be no need to get into the merits of  
8 Contention I, the NRC staff doesn't see the benefit of  
9 using the resources to generate a hearing file for  
10 Contention I until Contention V is resolved.

11 CHAIRMAN FROEHLICH: Okay. I suppose that  
12 the State of Vermont would like to be heard on this  
13 issue? Mr. Landis-Marinello?

14 MR. LANDIS-MARINELLO: Yes, thank you,  
15 Your Honor. So the state has had some discussions,  
16 and we recognize that the September 30th deadline  
17 could be a little tight given that we're at September  
18 10th now for the initial disclosures. So we have  
19 offered to the parties to move that by a couple of  
20 weeks. In the latest discussion we even offered to  
21 move it as far as November 1st. And we're comfortable  
22 with that.

23 We do not think that it should go beyond  
24 November 1st. And we can give our reasons for that,  
25 but we view a decision to move it beyond November 1st

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1 as effectively granting a stay and we don't think the  
2 parties can show they meet the standards for a stay  
3 here. We think it could lead to a very significant  
4 delay in resolving Contention I at a later point, both  
5 because we'd be starting from square one a few months  
6 from now with the initial disclosures. And there's a  
7 lot of preparation that can be done in parallel with  
8 the briefing of Contention V in terms of preparing our  
9 witnesses and getting that moving forward once we have  
10 those initial disclosures. And so for that reason we  
11 think it's important to have that.

12 And I'll also just flag for the Board we  
13 have some indications there may be a dispute about  
14 what needs to be in those initial disclosures, and  
15 given that, it's critical that these disclosures  
16 happen sooner rather than later.

17 CHAIRMAN FROEHLICH: And I take it from  
18 your answer that the State of Vermont is not  
19 comfortable with bifurcating disclosure. That  
20 November 1st date that you suggested would be a date  
21 for mandatory disclosures covering both Contention V  
22 and Contention I. Is that correct?

23 MR. LANDIS-MARINELLO: That's correct.  
24 Yes.

25 And, Your Honor, if I could just add to

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1 that. We've put out -- and this is just about an hour  
2 ago. We put out to the other parties a proposal that  
3 has that November 1 date in there. And so, we have  
4 not received a response yet from the parties. It may  
5 well be that that is agreeable to all of the parties.

6 CHAIRMAN FROEHLICH: Well, let's give them  
7 a chance to chime in now. Mr. Burdick?

8 MR. BURDICK: Yes, Your Honor, this is  
9 Stephen Burdick, counsel for Entergy. I wanted to say  
10 a few -- we appreciate the parties and the active  
11 discussions we've had. We've had some very open  
12 conversation with the state and the staff, even this  
13 morning. And we acknowledge that the state counsel  
14 has provided a revised proposal that appears to be  
15 consistent with some of the options that we had  
16 discussed.

17 As I began, we ended on two separate  
18 options. The first is the one that we had talked  
19 about with deferring disclosures on Contention I until  
20 the Contention V issues have been resolved. That is  
21 certainly our preference, and so we would like to see  
22 that option adopted.

23 However, the kind of alternative option is  
24 what state counsel had proposed, to defer the initial  
25 mandatory disclosures to November 1st, or maybe it's

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1 even November 2nd, whatever the first barrier day is  
2 in November, that as an alternative. If our first  
3 option is not chosen, then certainly we would prefer  
4 the second option.

5 CHAIRMAN FROEHLICH: Okay. And staff  
6 counsel?

7 MR. WACHUTKA: Yes, Your Honor. The NRC  
8 staff, we would prefer to bifurcate the disclosures  
9 because the way that we currently see it is that  
10 depending on the determination on Contention V there  
11 might be no need at all for Contention I. And so, to  
12 have to prepare for a hearing on Contention I, which  
13 might not ever happen, would just be an expenditure of  
14 resources that may not need to be expended.

15 CHAIRMAN FROEHLICH: Okay. We'll take  
16 this under advisement and come up hopefully with some  
17 sort of an arrangement that probably makes no one  
18 happy, but addresses the parameters that each of you  
19 raised relating not only to the start date, but to the  
20 potential bifurcation of mandatory disclosures between  
21 the two contentions. Towhead is unless the parties  
22 at this point or in the near future can come up with  
23 a mutually agreeable proposal that will spare us  
24 having to try to divide this baby and do it without  
25 your input.

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1 I think, Mr. Burdick, you had mentioned  
2 that there was some discussion; or maybe it was staff  
3 counsel, as to the scope and content of initial  
4 disclosures.

5 MR. BURDICK: Your Honor, I think there's  
6 kind of two more items that we had discussed amongst  
7 ourselves. Let me first address the briefing schedule  
8 for Contention V, which is table 1 in the Board's  
9 September 3rd order.

10 With respect to this contention the  
11 trigger date for the briefing schedule for Contention  
12 V is the Board's issuance of the initial scheduling  
13 order, and that time certainly could vary depending on  
14 when the Board takes that action, but we expect it  
15 would be somewhere in the near term.

16 Entergy is still considering, but expects  
17 that it will file an appeal with the Commission on  
18 LPB-15-24. And looking at the briefing schedule for  
19 that appeal, it overlaps significantly with the  
20 briefing schedule for Contention V. And so, we had  
21 proposed -- and I'll ask the other parties certainly  
22 to make sure I state this correctly, but had proposed  
23 that the briefing schedule for Contention V be  
24 postponed to -- such that the trigger date would be  
25 the last filing related to that Commission appeal.

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1           So assuming we appeal, which as I said, we  
2 think is likely, the briefing on that appeal would be  
3 completed by October 20. And so, our proposal was for  
4 that to be the trigger date rather than the Board  
5 issuance of the initial scheduling order. So  
6 depending on the timing of the initial scheduling  
7 order that would give about a 30 to 40-day delay in  
8 beginning of that briefing schedule.

9           We've had discussions with the other  
10 parties; and here I'd make sure I characterize this  
11 correctly, I believe the staff is in agreement with  
12 that. And I think the state agrees to that as well,  
13 but it's tied to assuming that the Board agrees with  
14 their proposed delay of mandatory disclosures to  
15 November 1st or 2nd because of their interest in  
16 receiving documents as soon as possible. And so, if  
17 there's a greater delay with mandatory disclosures,  
18 then they would prefer to move right into the briefing  
19 schedule for Contention V. But certainly state  
20 counsel can provide their thoughts on that as well.

21           CHAIRMAN FROEHLICH: I would like to hear  
22 form state counsel, Mr. Landis-Marinello on this  
23 issue.

24           MR. LANDIS-MARINELLO: Yes, thank you,  
25 Your Honor. Mr. Burdick said that correctly. That is

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1 our position that if we're going to get these  
2 mandatory disclosures by the Board's initial September  
3 30th date or by November 1st or 2nd, then we're  
4 comfortable with a slight delay in the briefing. If  
5 there's going to be any connecting of those initial  
6 disclosures to a later point, then we think everything  
7 should go forward as rapidly as possible.

8 CHAIRMAN FROEHLICH: So your preferred  
9 resolution with this would be to set October 20th, the  
10 date that your reply to the potential appeal by  
11 Entergy -- that that would be the trigger date,  
12 October 20th. And that would be coupled with  
13 mandatory disclosures on the 1st or the 2nd of  
14 November?

15 MR. LANDIS-MARINELLO: Well, Your Honor,  
16 let me be clear. Our preference is the exact schedule  
17 that the Board has proposed in all three tables. That  
18 is completely acceptable to the State of Vermont and  
19 that is our preference on this. We think that's the  
20 normal course of things, that you wouldn't have any  
21 delay on mandatory disclosures, that parties would go  
22 forward and produce that in the normal course.  
23 Everything moves forward in the normal course on  
24 parallel tracks because there has been no stay granted  
25 in this proceeding and that's the fastest way to

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1 resolve all of the matters. And we think that the  
2 parties, all the parties are well-equipped. All  
3 parties are represented and have the resources to meet  
4 all of the deadlines in the Board's proposal. So  
5 that's our preference.

6 That said, we have heard from Entergy and  
7 the NRC staff and are amenable to making  
8 accommodations to that schedule. And in particular  
9 we've offered bumping the date for disclosures up to  
10 November 1st or 2nd, and we've offered to have this 30  
11 to 40-day delay on briefing Contention V at the  
12 request of the other parties providing that the  
13 initial disclosures would come in either September  
14 30th or November 1st.

15 CHAIRMAN FROEHLICH: Okay. Staff, do you  
16 care to be heard on this?

17 MR. WACHUTKA: Your Honor, the NRC staff  
18 doesn't object to an extension in the briefing  
19 schedule for Contention V. But just for the mandatory  
20 disclosures though, the staff doesn't think that this  
21 is really normal process because normally you would  
22 have just the mandatory disclosures to worry about,  
23 but in this case we also have the concurrent  
24 Contention V briefing schedule. So that's why we  
25 thought that the mandatory disclosures should be

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1 delayed.

2 CHAIRMAN FROEHLICH: Okay. Thank you.  
3 All right. Mr. Burdick, did you say there was a  
4 second issue that was also discussed that --

5 MR. BURDICK: Yes, thank you, Judge  
6 Froehlich. This is Stephen Burdick on behalf of  
7 Entergy. The last area that we had discussed was to  
8 see if we could reach agreement on any other of the  
9 mandatory hearing requirements, and this is similar to  
10 what's been done in many different proceedings, I  
11 would say even most proceedings where the parties  
12 agree to certain limitations on mandatory disclosures.

13 So we've had a number of conversations  
14 about this and proposals and counter-proposals. And  
15 so, we have reached some agreement. There are a few  
16 topics that we felt were very helpful that we did not  
17 reach agreement on, and those are things like  
18 disclosures of drafts and elimination of the entire  
19 privilege log. And certainly the other parties don't  
20 have to agree with all those, but we felt that those  
21 have been very useful in past proceedings to reduce  
22 the burden of the mandatory disclosures and really not  
23 taken away from the value of those documents. But we  
24 have had some back and forth and we've reached  
25 agreement on some of those typical types of

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1 provisions.

2 And, Your Honor, I'd be happy to walk  
3 through some of those right now, or if it would be  
4 more useful I think the parties could try to put  
5 together a joint list that's agreed upon and submit  
6 that to the Board because they become quite detailed.

7 CHAIRMAN FROEHLICH: I think that your  
8 latter suggestion may be the way to go, not only  
9 though with the points that the parties have agreed  
10 upon, but those issues that perhaps there is still not  
11 agreement on. Perhaps between now and when we set a  
12 date for that to come to the Board the parties could  
13 work out and maybe come closer on those things which  
14 you don't have agreement on at this point.

15 Would it be useful if the parties were to  
16 try to work through some of these items and at the  
17 same time compile a list of the things that you have  
18 agreed to among parties as to the privilege logs or  
19 the scope of the mandatory disclosure and submitted  
20 that in writing to the Board in a joint document,  
21 let's say by next Thursday?

22 MR. BURDICK: Your Honor, this is Stephen  
23 Burdick on behalf of Entergy. I think that would  
24 certainly be doable to put together that joint  
25 proposal and indicate where there's full agreement

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1 among the parties and where perhaps there are only a  
2 couple of parties that agree with it. And I think the  
3 non-agreement here is also one of the driving forces  
4 for our request for additional time for the mandatory  
5 disclosures, that there does seem to be an additional  
6 burden here than in other proceedings, and we think  
7 that a little more time would make it more efficient  
8 for all the parties to pull together the disclosures.  
9 Thank you.

10 CHAIRMAN FROEHLICH: I think that would be  
11 helpful, and I think when the Board has that document  
12 from the parties we'll be best able to set the  
13 schedule and the deadlines for those items in tables  
14 1, 2 and 3 that we discussed earlier.

15 Okay. Do the parties feel it would be  
16 helpful to the Board to hear those areas of  
17 disagreement now, or is that something that can be  
18 handled in next week's filing?

19 MR. BURDICK: Your Honor, this is Stephen  
20 Burdick on behalf of Entergy. Yes, I think the  
21 largest areas of agreement are whether drafts and  
22 comments on drafts need to be disclosed, and also the  
23 content of the privilege log. We've reached agreement  
24 on at least excluding certain information from a  
25 privilege log, but our preference would be to exclude

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1 the entirety of it. So there are some minor  
2 differences there. Or I guess those are significant  
3 differences. But then beyond that I think there are  
4 some minor differences in the types of -- I think in  
5 some of the minutia of some of these other  
6 requirements, but I'm hopeful that we can reach  
7 agreement on most of those other areas.

8 CHAIRMAN FROEHLICH: All right. Then I  
9 think it would be probably best if the parties worked  
10 together on a joint document that certainly lists all  
11 the things that they agree upon and at the same time  
12 those parties who have disagreements with that joint  
13 document indicate to the Board where those  
14 disagreements are and what their concerns are. And  
15 upon receipt of that next Thursday the 17th the Board  
16 will take that into consideration and work through the  
17 issues dealing with the briefing schedule and the  
18 trigger date that we discussed at the beginning of  
19 this conference.

20 Were there any other issues that we should  
21 be discussing today or that the parties want the Board  
22 to have input on leading up to the scheduling order in  
23 this case?

24 (No audible response)

25 CHAIRMAN FROEHLICH: Are there any other

1 issues?

2 MS. MIZUNO: Your Honor, this is Beth  
3 Mizuno with the Office of General Counsel for the  
4 staff. And if we are submitting something to the  
5 Board on September 17 and our mandatory disclosures --  
6 that would be on the 30th, we're looking at what, 18  
7 days, which is not -- no, 13. Sorry. I'm not good at  
8 math. Thirteen days, which is very, very tight. I  
9 mean, we can and we are working towards the September  
10 30 deadline, but if we're only submitting something to  
11 you on the 17th, you're going to need some time to  
12 figure out what you want to do and then you need to  
13 draft something. We could be getting very close to  
14 the September 30 mandatory disclosure due date before  
15 we even hear from you. So would it be possible to  
16 move the September 30 due date by a couple weeks just  
17 for now so that we can have some breathing room to  
18 actually act upon whatever it is that you order?

19 CHAIRMAN FROEHLICH: Ms. Mizuno, I  
20 appreciate your concern. I would advise the staff to  
21 proceed with the September 30th date that is already  
22 scheduled, however, that may be extended once we  
23 receive the pleading next week. The staff should  
24 begin to think about those type of things that need to  
25 go into both the hearing file as well as those things

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1 that should be disclosed. So I wouldn't just stop  
2 work on it. I would be thinking about it, however, it  
3 is possible that you may get a little bit of an  
4 extension from the deadline set by the regulations.

5 Were there any other issues?

6 MS. MIZUNO: Thank you, Your Honor.

7 CHAIRMAN FROEHLICH: Anything else?

8 (No audible response)

9 MR. BURDICK: Your Honor, this is Stephen  
10 Burdick on behalf of Entergy. We have Nothing  
11 further.

12 CHAIRMAN FROEHLICH: Okay. Any other  
13 concerns from the state or from the NRC staff?

14 MR. LANDIS-MARINELLO: This is Kyle from  
15 the state. Nothing further from us. Thank you very  
16 much, Your Honor.

17 CHAIRMAN FROEHLICH: Thank you.

18 MR. WACHUTKA: No further concerns from  
19 the staff, Your Honor.

20 CHAIRMAN FROEHLICH: Okay. I want to  
21 thank the parties for their discussions leading up to  
22 this conference and urge them to continue to talk  
23 among themselves on all those issues that they can  
24 reach agreement. That will go a long way towards  
25 making this case move ahead smoothly. It will also

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1 prevent the Board from imposing deadlines that may not  
2 be everything you had hoped for. So I would hope that  
3 the parties would spend the next week as they prepare  
4 that pleading for the 17th, discussing and trying to  
5 reach agreement in as many areas as they possibly can.  
6 And I thank you for your efforts in advance.

7 Judges Wardwell and Kennedy, anything to  
8 add?

9 JUDGE KENNEDY: I have nothing.

10 JUDGE WARDWELL: I have nothing.

11 CHAIRMAN FROEHLICH: Okay. Then I thank  
12 you all for your participation, look forward to your  
13 pleading, and we will get an order out very quickly  
14 after receipt of the joint pleading. Thank you, all.

15 (Whereupon, the above-entitled matter went  
16 off the record at 1:33 p.m.)

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