

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Nextera Energy Seabrook
Seabrook Station, Unit 1

Docket Number: 50-443-LA-2

ASLBP Number: 17-953-LA-BD01

Location: teleconference

Date: Tuesday, November 28, 2017

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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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PRE-HEARING CONFERENCE

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In the Matter of: : Docket No.
NEXTERA ENERGY SEABROOK, : 50-443-LA-2
LLC : ASLBP No.
(Seabrook Station, Unit 1): 17-953-LA-BD01

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Tuesday, November 28, 2017

Teleconference

BEFORE:
RONALD M. SPRITZER, Chairman
NICHOLAS G. TRIKOUROS, Administrative Judge
SEKAZI MTINGWA, Administrative Judge

1 APPEARANCES:

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

1:03 p.m.

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3 CHAIRMAN SPRITZER: We are here in the
4 matter of Nextera Energy Seabrook, that case involving
5 Seabrook Station Unit 1. This is docket No. 50-443-
6 LA-2. We are here to conduct a conference call on --
7 for the scheduling of the remainder of this
8 proceeding.

9 Before we proceed to discuss scheduling
10 let's go around and have the representatives identify
11 themselves for the record. Why don't we start with
12 Nextera?

13 MR. BESSETTE: Good afternoon, Your Honor.
14 This is Paul Bessette representing Nextera, and with
15 me I have Ryan Lighty, and on the listen-only line we
16 have Steve Hamrick from the -- from Nextera.

17 CHAIRMAN SPRITZER: Very good. And for
18 the NRC staff?

19 MS. HARRIS: Yes, Your Honor, this is
20 Brian Harris and I have with me Jeremy Wachutka for
21 the NRC staff and a couple members of the staff
22 sitting in and listening in.

23 CHAIRMAN SPRITZER: Very good. And for
24 the interveners, C-10?

25 MS. TREAT: Hello again. This is Natalie

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1 Treat with the C-10 Foundation.

2 CHAIRMAN SPRITZER: Okay. Well, we can
3 shorten -- thanks to your efforts, we'll be able to I
4 think make this a fairly brief call since you've
5 provided us with agreements on both mandatory
6 disclosure and scheduling, which was very helpful.
7 Thank you for your efforts on that.

8 Just so we're clear, let me ask a
9 question first on the mandatory disclosures. That
10 indicates in the -- I believe it's paragraph No. 1
11 parties are not required to identify or produce
12 privileged documents. Just so we're clear, this is
13 intended to waive the requirement of 10 CFR
14 2.336(a)(3) and also Section (b)(5) of Section 2.336,
15 which would require the identification, not
16 necessarily the production, but identification of
17 privileged documents.

18 Am I interpreting that correctly?

19 MR. BESSETTE: Your Honor, I'm looking up
20 the -- this is Paul Bessette. I'm looking up the
21 regulations, but the idea is to waive the production
22 of the privileged log, as you noted, yes.

23 CHAIRMAN SPRITZER: Okay. Just want to
24 make sure everybody's clear on that.

25 Is that clear to the interveners as well?

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1 MS. TREAT: Yes.

2 CHAIRMAN SPRITZER: Okay.

3 MS. TREAT: Yes, thank you.

4 CHAIRMAN SPRITZER: All right.

5 MS. HARRIS: It's clear to the --

6 CHAIRMAN SPRITZER: All right. For the
7 interveners I take it you are not -- at least as of
8 this date you are not represented by counsel?

9 MS. TREAT: We are not.

10 CHAIRMAN SPRITZER: Are you -- do you have
11 any likelihood of doing that?

12 MS. TREAT: We are exploring options to
13 raise funds to pay for counsel and the technical
14 experts, Your Honor.

15 CHAIRMAN SPRITZER: All right. I think as
16 far as the schedule that you all have proposed, we
17 don't have any major issues with that. I do have one
18 suggestion to shorten the -- we do have one suggestion
19 from the Board that might shorten things a little bit.
20 Not greatly, but somewhat. Toward the end -- this is
21 on both table -- well, both for the option if new or
22 amended contentions are filed. And then if no new
23 amended contentions are filed, you have deadline for
24 both motions in limine and questions for the Board.

25 What we're thinking of doing is simply

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1 saying file both of those within five days of the
2 hearing. Motions in limine -- I mean, this is a
3 hearing by a board, so we're not dealing with a jury.
4 Motions in limine I think we would certainly -- can
5 hear them and rule on them, but I'm not sure that
6 that's something we can normally rule on when we issue
7 our decision on the merits.

8 Striking -- if there's a motion to strike
9 some proffered testimony or not to consider some
10 exhibit, we can go ahead and rule on that in our
11 motion -- or our -- excuse me, in our ruling on the
12 merits.

13 Questions for the Board we don't really
14 need them until shortly before the hearing. That
15 would enable us to cut down the days for the
16 evidentiary hearing by about 15 days. That would be
17 approximately, yes, 15 days less than is shown on both
18 these schedules.

19 I mean, if anybody has any strong
20 objections to doing those things, we'll consider them.
21 So if you do, please now or forever hold your peace.

22 (No audible response.)

23 CHAIRMAN SPRITZER: Going once, twice,
24 three times. All right. We don't seem to have any
25 strong objection, so we'll address that in the order

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1 we're going to issue shortly.

2 Let's see. That's pretty much all we
3 have. Are there any other issues that anyone wants to
4 discuss now? We're probably not going to be on the
5 line together for awhile given that the safety
6 evaluation is likely coming out before August, so if
7 there other concerns, now would be a good time to
8 raise them.

9 MR. BESSETTE: Your Honor, this is Paul
10 Bessette. We have no other questions.

11 CHAIRMAN SPRITZER: All right. Staff?

12 MS. HARRIS: Your Honor, this is Brian
13 Harris. We have no other questions.

14 CHAIRMAN SPRITZER: All right. And
15 interveners?

16 MS. TREAT: Thank you, Your Honor. It's
17 Natalie Treat and we have no other questions or
18 comments at this time.

19 CHAIRMAN SPRITZER: All right. Very good.
20 We'll get an order out shortly that will memorialize
21 the schedule in line with what you all proposed plus
22 the one modification that we've come up with on our
23 own. Unless either of my colleagues on the Board have
24 anything, we'll adjourn and get an order out promptly.

25 MR. BESSETTE: Thank you, Your Honor.

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1 CHAIRMAN SPRITZER: Thank you.

2 MS. TREAT: Thank you, everyone.

3 MS. HARRIS: Thank you, Your Honor.

4 CHAIRMAN SPRITZER: We're adjourned.

5 (Whereupon, the above-entitled matter went
6 off the record at 1:09 p.m.)

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