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**NUCLEAR REGULATORY COMMISSION**

Title: NextEra Energy Seabrook, LLC,  
Seabrook Station Unit 1

Docket Number: 50-443-LA-2

ASLBP Number: 17-953-02-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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HEARING

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In the Matter of:	:	Docket No.
NEXTERA ENERGY	:	50-443-LA-2
SEABROOK, LLC	:	ASLBP No.
(Seabrook Station,	:	17-953-02-LA-BD01
Unit 1)	:	

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Thursday, April 4, 2019

Teleconference

BEFORE:

RONALD M. SPRITZER, Chair

NICHOLAS G. TRIKOUROS, Administrative Judge

SEKAZI K. MTINGWA, Administrative Judge

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10:01 a.m.

CHAIRMAN SPRITZER: We are here on the matter of NextEra Energy Seabrook, LLC, Seabrook Station Unit 1. This is docket No. 50-443-LA-2. My name is Ronald Spritzer. I am the Chairman of this Atomic Safety Licensing Board.

On the phone also Judges Mtingwa and Trikouros.

Why don't you just go ahead and introduce yourselves.

JUDGE TRIKOUROS: Yes, this is Judge Trikouros.

CHAIRMAN SPRITZER: Judge Mtingwa, are you on still? Judge Mtingwa, do you hear me? Judge Mtingwa, are you there?

All right. Let's go ahead with the introductions and we'll try and get him on the cell phone.

Will representatives of the interveners please introduce yourselves for the record.

MS. CURRAN: Good morning. This is Diane Curran representing C-10 Research and Education Foundation

CHAIRMAN SPRITZER: Very good.

1 For NextEra.

2 MS. TREAT: Good morning. This is also  
3 Natalie Treat from C-10 on the call.

4 CHAIRMAN SPRITZER: Fine.

5 And for NextEra?

6 MR. BESSETTE: Good morning, Your Honor.  
7 This is Paul Bessette for NextEra. With me is Ryan  
8 Lighty. On the phone is also Steve Hamrick for the  
9 Applicant.

10 CHAIRMAN SPRITZER: And for the NRC staff?

11 MS. NABER: Good morning. This is Anita  
12 Ghosh Naber representing the NRC staff. Also on the  
13 phone I have Jennifer Scro also representing the NRC  
14 staff.

15 CHAIRMAN SPRITZER: All right.

16 On this end we know we have Judge  
17 Trikouros. We also have our law clerks in this case,  
18 Taylor Mayhall and Joe McManus, and a third law clerk  
19 who is not assigned to the case but sitting in, Molly  
20 Mattison.

21 And Sata Culler, who is basically taking  
22 the lead in terms of trying to find us a venue for  
23 this hearing which we hope to have in September. And  
24 Joe Deucher who is the technical expert in setting up  
25 the equipment we need to conduct the hearing

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1 electronically.

2 Let's see if Judge Mtingwa is here. All  
3 right. We'll go ahead. Hopefully he'll call back in.

4 The first matter we wanted to address is  
5 scheduling and timing. We are looking at the last two  
6 weeks of September the 16h and the 23rd. I guess the  
7 first question to answer is hopefully --

8 JUDGE MTINGWA: Hi. This is Judge  
9 Mtingwa. Somehow my phone dropped the signal right  
10 when I was being introduced. I am here.

11 CHAIRMAN SPRITZER: Okay. Great. We are  
12 just getting started talking about scheduling.

13 Our thought is we could do this in three  
14 to four days. That's based on the assumption that it  
15 looks like the interveners have two experts. I assume  
16 there will be an equivalent or maybe slightly not  
17 large number of experts from NextEra and staff. The  
18 experts will testify, like they typically do in our  
19 proceedings, as a panel.

20 We think allowing time also for opening  
21 and closing arguments we could probably get through  
22 this in three days. Four days should allow us enough  
23 time. But, if anybody disagrees and think it's going  
24 to take longer than that, please speak up and let us  
25 know your thoughts.

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1 MS. CURRAN: Judge Spritzer.

2 CHAIRMAN SPRITZER: Yes. Go ahead.

3 MS. CURRAN: This is Diane Curran. I think  
4 the time you set aside is reasonable. We haven't  
5 decided how many witnesses that we will have yet so I  
6 just wanted to make that clear. It may be one or two.

7 CHAIRMAN SPRITZER: Okay. You won't be  
8 bound by anything today. We're just trying to get an  
9 estimate of how much time. It may be necessary to  
10 rent a facility but to keep the cost to a reasonable  
11 level by not getting something for a significantly  
12 longer time than we would actually need it for.

13 How about NextEra? Do you have any  
14 thoughts on whether that would be a reasonable  
15 schedule of four days? Go ahead.

16 MR. BESSETTE: We believe it is  
17 reasonable. We have no objections to that, although  
18 the tour, which we will discuss, may affect the timing  
19 of the hearing. With regard to three days or four  
20 days, we have no objection to that. We find that  
21 reasonable.

22 CHAIRMAN SPRITZER: Okay. What did you  
23 say that might affect the scheduling of the hearing?

24 MR. BESSETTE: Your Honor, one of the  
25 items for today's call was doing a plant tour.

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1 CHAIRMAN SPRITZER: Right.

2 MR. BESSETTE: Scheduling of that could  
3 affect the scheduling of the --

4 CHAIRMAN SPRITZER: Okay. NRC staff, do  
5 you have any thoughts on whether three or four days  
6 would be a reasonable estimate for the evidentiary  
7 hearing?

8 MS. NABER: Three to four days sounds  
9 reasonable to us as well.

10 CHAIRMAN SPRITZER: All right. Sounds  
11 good. That's what we'll work with.

12 MS. CURRAN: Judge Spritzer, this is Diane  
13 Curran. I don't know whether this is the right time  
14 to raise this. I know that C-10 and other parties  
15 agreed to a schedule early on.

16 I know that I'm coming in late to the game  
17 here. In terms of the dates that you're setting up  
18 for the hearing itself, I'm a little concerned about  
19 our ability to go respond to summary disposition  
20 motions and prepare testimony the way the schedule is  
21 set up.

22 I blacked out the dates from your schedule  
23 and what I have, and maybe I counted wrong, but I have  
24 April 24th for the completion of mandatory  
25 disclosures, May 10th as the deadline for summary

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1 disposition motions, May 30th as the deadline for  
2 responding to summary disposition motions, and June  
3 10th as the deadline for initial testimony.

4 I'm just concerned that with our limited  
5 resources we may really have a hard time meeting the  
6 May 30th deadline for one thing, and then turn around  
7 and less than two weeks later have to file our initial  
8 testimony.

9 I wondered if there was any flexibility  
10 there. I think it could affect -- well, I guess it  
11 depends in part on whether NextEra plans to file a  
12 summary disposition motion. If they don't, I don't  
13 see a problem here. If they do, whether there's any  
14 potential to give us a little more time for  
15 testimony.

16 CHAIRMAN SPRITZER: I think what we would  
17 prefer is to give you more time if you need it. First  
18 of all, you should file a motion. We have a procedure  
19 for asking for extensions. If a summary disposition  
20 motion is filed, you can certainly ask for more time.

21 First consult with the other parties. If  
22 you can't reach an agreement on that, then you could  
23 go ahead and file a motion. I'm not going to rule  
24 anything out here today since we don't have a motion  
25 in front of us. In terms of summary disposition, we

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1 could grant an extension on that. I would rather keep  
2 to the schedule.

3 Just so you know, it isn't just -- I mean,  
4 one factor in this if anybody has read a newspaper in  
5 the last several years knows that there's a  
6 possibility of a government shutdown when we get to  
7 the new fiscal year.

8 That starts on October 1st so if you get  
9 the evidentiary hearing done by the end of September,  
10 that would avoid the risk of the possibility of having  
11 to postpone it well beyond early October.

12 We would like to keep it on schedule if we  
13 can but we need to be fairly reasonable to the parties  
14 if we can. I think the area where there might be some  
15 flexibility would probably be more in the response to  
16 the summary disposition motion.

17 MS. CURRAN: Okay. Thank you. I think  
18 that might be the way to address it.

19 CHAIRMAN SPRITZER: Okay. Any other  
20 questions related to the existing schedule? It's in  
21 Table 2, page 3 of our order. The revised schedule.

22 MS. CULLER: Judge Spritzer, if I could  
23 offer something. This is Sara Culler. Just a heads  
24 up that I've been told by folks up there in New  
25 Hampshire that November through February trying to get

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1 any place up there is nil because of the New Hampshire  
2 primaries.

3 CHAIRMAN SPRITZER: Oh. That might be  
4 something that we have no control like budget battles  
5 that continue between Congress and the President. We  
6 have no control but it might make it advisable to have  
7 the hearing in the last two weeks of September if we  
8 can.

9 MR. BESSETTE: This is Paul Bessette from  
10 the Applicant. We understand the request from Diane  
11 Curran but we do want to emphasize whatever hearing  
12 date we do agree on, we believe it's important to try  
13 to stick with that as much as possible because it  
14 takes a lot of coordination between attorneys,  
15 witnesses, applicants.

16 People are making changes and making  
17 schedules. To the extent we agree on a proposed date,  
18 we are just putting in our two cents that we would  
19 hope to be able to stick with that to allow many folks  
20 to make plans.

21 CHAIRMAN SPRITZER: For us, too. If we're  
22 going to rent a facility, we don't want to try and get  
23 out of that which might be difficult since we're  
24 paying for it.

25 MR. BESSETTE: Right.

1 CHAIRMAN SPRITZER: Once we get a date  
2 we'll have to stick with that if we possibly can. The  
3 two weeks are the 16th and 23rd -- the weeks of the  
4 16th and the 23rd of September. Are there any  
5 scheduling issues as far as anybody being in a trial  
6 or something else that would preclude or prohibit  
7 their participating on either of those weeks?

8 MR. BESSETTE: Your Honor, this is Paul  
9 Bessette. One of our experts has a personal  
10 appointment on Wednesday the 18th. While not  
11 unavoidable, our preference would be the week of the  
12 23rd.

13 CHAIRMAN SPRITZER: All right. That would  
14 give Ms. Curran at least one extra week.

15 MS. CURRAN: Yes, every week helps. We  
16 don't have any conflicts at the moment.

17 CHAIRMAN SPRITZER: All right. And staff?

18 MS. NABER: The staff doesn't have any  
19 conflicts either.

20 CHAIRMAN SPRITZER: All right. We'll  
21 shoot for the week of the 23rd. The only caveat to  
22 that may be if we can't get a facility the week of the  
23 23rd. We can move on and talk about that now and if  
24 there is anything that I've overlooked related to the  
25 scheduling of the hearing.

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1 MS. TREAT: Judge Spritzer, this is  
2 Natalie with C-10. I would just encourage the NRC  
3 scheduling team to not be limited to New Hampshire.  
4 There might be some good venues very close by in  
5 Massachusetts which also, of course, impact the  
6 communities with the decisions.

7 CHAIRMAN SPRITZER: Right. Well, we're  
8 open to suggestions for venues. Sara can tell us  
9 about the one place she has identified.

10 MS. CULLER: The Galley Hatch Conference  
11 Center in Hampton, New Hampshire.

12 CHAIRMAN SPRITZER: That's apparently been  
13 used by the NRC staff for some prior meetings.

14 JUDGE MTINGWA: Judge Spritzer, there is  
15 a town that is very close to them, Newburyport. Do  
16 they have any facilities there?

17 CHAIRMAN SPRITZER: Sara has talked to a  
18 number of public facilities, courthouses, and I guess  
19 also townhalls. So far we haven't come up with  
20 anything. They are either too small or -- we've been  
21 told to estimate 50 to 100 people in the audience.

22 I'm not sure whether that includes  
23 attorneys and witnesses but at least 50 to 100 people.  
24 That limits us to some extent. Some courtrooms are  
25 only set up for one judge.

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1 I'll open the floor. Any particular  
2 place, Ms. Treat, in Massachusetts that you can think  
3 of that would be convenient and might be available?

4 MS. TREAT: It would probably be better  
5 for me to follow up offline with Sara on that.

6 CHAIRMAN SPRITZER: All right.

7 MS. TREAT: Thank you. Not take the time  
8 now but I'm sure we could come up with some.

9 CHAIRMAN SPRITZER: Okay. Do you have  
10 Sara's email address? It's the same as everybody  
11 else. sara.culler@nrc.gov.

12 MS. TREAT: Got it. Thank you.

13 CHAIRMAN SPRITZER: Be sure and copy the  
14 other parties if you send us an email.

15 NextEra and staff, do you all have any --  
16 do either of you have any thoughts about possible  
17 venues other than the ones that Sara mentioned?

18 MR. BESSETTE: No, Your Honor. This is  
19 Paul Bessette. My understanding in discussion with  
20 NextEra that there have been several NRC meetings at  
21 the conference center in Hampton, New Hampshire  
22 previously. We have no further input after that.

23 CHAIRMAN SPRITZER: Okay. And NRC staff,  
24 I know you all have had a number of meetings up there.  
25 Any thoughts on venues?

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1 MS. NABER: This is Anita Ghosh Naber.  
2 No, other than that I don't have any.

3 Jen, do you know, or the technical staff  
4 in the room? Any other thoughts?

5 MR. POOLE: This is Justin Poole from the  
6 technical staff. We had provided input previously.

7 MS. NABER: Okay.

8 CHAIRMAN SPRITZER: Okay.

9 JUDGE MTINGWA: Let me ask a question,  
10 Judge Spritzer. This is basically in the Boston area.  
11 I would imagine Boston. Is that too far away? I  
12 mean, Boston is right there.

13 CHAIRMAN SPRITZER: We don't have any --

14 MS. TREAT: It's about an hour away  
15 actually and there are plenty of places closer to the  
16 plant and on site where folks are. Frankly, the C-10  
17 membership is not close to Boston. Also, there's  
18 major interference with the Tobin Bridge so travel  
19 would be hindered.

20 CHAIRMAN SPRITZER: Okay.

21 JUDGE MTINGWA: I'm just thinking of that  
22 in terms of a backup plan.

23 CHAIRMAN SPRITZER: Right. Well, we  
24 generally try to hold the hearings as close as we can  
25 to the facility but we better take traffic into

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1 consideration. All right. If anyone has any further  
2 thoughts, let us know on that.

3 As far as the plant visit, I think we  
4 would like to do that well in advance of the hearing  
5 date. The Judges would. We would simply be walking  
6 around the plant. We wouldn't be hearing witness  
7 testimony.

8 We don't normally bring along a court  
9 reporter or anything like that. This would simply be  
10 to see the facility so when someone starts talking  
11 about this pipe or tunnel we've got some idea where it  
12 is. Does anyone have any objection to our doing the  
13 tour? Can we set one up?

14 MR. BESSETTE: Your Honor, this is Paul  
15 Bessette. Working with the Applicant we can certainly  
16 support a plant tour at Your Honor's convenience. A  
17 couple things.

18 As you know, the security at power plants  
19 has only become more and more restrictive  
20 appropriately, so to the extent there is some way to  
21 limit the number of folks on the tour if possible, we  
22 would like to discuss that as we get closer. That  
23 doesn't mean to exclude anyone. Perhaps maybe one or  
24 two representatives from each party.

25 Another issue, Your Honor, would be if we

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1 could provide an appropriate tour without having to go  
2 into radiological areas. That would also facilitate  
3 the planning. Of course, we can support whatever you  
4 need, but there are certain areas of the plant with  
5 evidence of ASR with extensometers installed and with  
6 the grids that are not in radiological areas.

7 That's just some of the planning that we  
8 would like to have further conversations on. I'm sure  
9 we can with discussions and coordination with the  
10 plant arrange a tour at Your Honor's convenience.

11 CHAIRMAN SPRITZER: Okay. I think we can  
12 certainly limit it to no more than two representatives  
13 of each party. All of them would be people who have  
14 signed the protective order. That would be the three  
15 Judges. We would probably bring one or two law  
16 clerks. I think that would be pretty much it if  
17 that's something that NextEra could live with.

18 MR. BESSETTE: I'm sure we can, Your  
19 Honor.

20 CHAIRMAN SPRITZER: All right.

21 MS. TREAT: Judge Spritzer, I'm sorry.  
22 this is Natalie. As you know, we have a volunteer  
23 team that has been working on the ASR issue at C-10 as  
24 well as recently working with Diane Curran and our  
25 expert. I think speaking on our behalf I would say

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1 that while we understand not having a very tour, we  
2 would like you to feel open to perhaps three, four, or  
3 five from our team being permitted to attend the tour.

4 CHAIRMAN SPRITZER: Well, we'll have to  
5 work that out. Normally we would have  
6 representatives. It's not really intended for experts  
7 to go out and gather evidence for their testimony.  
8 However, we'll have to think about that.

9 I'll see what other boards have done in  
10 other cases as far as having experts as well as  
11 representatives attend. It sounded like you have  
12 either one or two experts that are going to provide  
13 testimony?

14 MS. CURRAN: That's correct. This is  
15 Diane Curran.

16 CHAIRMAN SPRITZER: Okay. All right.

17 Does the staff have any thoughts on the  
18 tour?

19 MS. NABER: This is Anita Ghosh Naber.  
20 One and two representatives from the NRC staff would  
21 be okay with us.

22 CHAIRMAN SPRITZER: Nick or Sekazi, do you  
23 have any thoughts? This would be for your benefit.

24 JUDGE MTINGWA: The thing I wanted to ask  
25 is what is involved in terms of preplanning to see the

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1 radiological areas? I think it would be good to see  
2 as much as possible. I know we wear badges or  
3 whatever, but is there any type of preplanning?

4 MR. BESSETTE: Your Honor, this is Paul  
5 Bessette again. Any access to a facility, of course,  
6 requires certain access authorization. You know,  
7 personal information before you arrive. That is to  
8 get to any area with security.

9 I believe to enter the radiological we  
10 just have to do a bit more planning and there would  
11 have to be some radiological briefing before we enter  
12 the radiation protection areas with appropriate  
13 dosimetry.

14 JUDGE MTINGWA: Thank you.

15 MR. BESSETTE: Steve Hamrick, is there  
16 anything you want to add there?

17 MR. HAMRICK: No, I think that's fairly  
18 comprehensive.

19 MR. BESSETTE: Thank you.

20 JUDGE TRIKOUROS: This is Judge Trikouros.  
21 When is the planned outage for this plant? Is it  
22 spring or fall?

23 MR. BESSETTE: Your Honor, this is Paul  
24 Bessette. I don't have that information. We can  
25 provide it to -- we'll look it up and provide it to

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1 your clerk.

2 MR. HAMRICK: This is Steve Hamrick. I  
3 don't believe we have an outage planned any time  
4 around the hearing. The plant would be operational  
5 during that time frame.

6 MR. BESSETTE: All right.

7 JUDGE TRIKOUROS: Which I assume would  
8 make it more difficult to enter a radiological area.

9 MR. BESSETTE: Actually, Your Honor, I  
10 believe outages make it more difficult due to the  
11 number of people.

12 JUDGE TRIKOUROS: You're saying that while  
13 the plant is running we could enter radiological  
14 areas?

15 MR. BESSETTE: Certain areas, yes, Your  
16 Honor. Of course, we can't enter high radiation areas  
17 or certain containment areas, but other areas are  
18 generally acceptable, as I noted, assuming they are  
19 low radiation areas with the proper briefing and  
20 dosimetry.

21 JUDGE TRIKOUROS: Right. Now, a number of  
22 these structure are inside containment?

23 MR. BESSETTE: I'm going to have to defer  
24 on that question, Your Honor. It depends on, you know  
25 -- what we could do is work with you and Your Honors

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1 and the clerks to let you know what areas would be  
2 available for a tour while the plant is operating.

3 JUDGE TRIKOUROS: All right. That would  
4 be fine.

5 CHAIRMAN SPRITZER: That sounds like a  
6 good plan. Why don't you let us know within a  
7 reasonable period of time. We won't give you a fixed  
8 deadline but what areas we could see, what would be a  
9 good time to do it. We don't necessarily have to do  
10 this right before the hearing because we are going to  
11 be reviewing -- we're going to be receiving exhibits  
12 and testimony starting in June.

13 We can do the tour in June or July. We  
14 don't have to do this right before the hearing. The  
15 parties are probably working on getting ready for the  
16 hearing in August and September. June or July would  
17 probably be good if my fellow Judges are  
18 available.

19 If NextEra would get back to us with information  
20 about when we could realistically do the tour and what  
21 areas would be available, limits you would like to see  
22 on how the tour is conducted. And, of course, serve  
23 the other parties and we'll take it from there.

24 MR. BESSETTE: Yes, Your Honor. That's a  
25 very helpful clarification and we'll get that

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1 information to you.

2 CHAIRMAN SPRITZER: All right. Great.  
3 Okay. I think we've reached the end. As you may have  
4 noticed, the Judges are not all in the same place.

5 Judge Mtingwa, do you have any other --  
6 anything else you wanted to raise?

7 JUDGE MTINGWA: No, I have no more. Thank  
8 you.

9 CHAIRMAN SPRITZER: All right. Judge  
10 Trikouros, did you have anything else?

11 JUDGE TRIKOUROS: No, I think that's fine  
12 for now.

13 CHAIRMAN SPRITZER: The NRC staff, I think  
14 you had some -- are there any other issues you wanted  
15 to bring up?

16 MS. NABER: Yes, this is Anita Ghosh  
17 Naber. I had a question -- clarifying question on  
18 Table 2 of your revised scheduling order. The first  
19 deadline with respect to the completion of the  
20 mandatory disclosure we have that as the disclosure  
21 being due on April 24th. Typically we've been filing  
22 our monthly updates on the last working day of each  
23 month.

24 I was wonderful if we should be filing our  
25 updates on April 30th, the last business day, and

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1 essentially file all our disclosures through April  
2 24th, or if you were expecting a filing on April 24th?  
3 The NRC staff processes a little different. We have  
4 a cutoff date to allow some processing time so we can  
5 gather the documents and whatnot. That's why I have  
6 the question.

7 CHAIRMAN SPRITZER: Yeah, I don't know  
8 that I had any specific expectation myself.

9 MS. NABER: Okay.

10 CHAIRMAN SPRITZER: For the intervenors,  
11 do you have any thoughts on -- sounds to me like April  
12 30th would be fine.

13 MS. CURRAN: Yes.

14 CHAIRMAN SPRITZER: Go ahead.

15 MS. CURRAN: That seems reasonable, April  
16 30th, to us.

17 CHAIRMAN SPRITZER: Okay. That's not a  
18 problem for NextEra?

19 MR. BESSETTE: No, Your Honor. We agree.

20 CHAIRMAN SPRITZER: All right. Any other points of  
21 clarification, any questions that anyone else wants to  
22 raise? Going once, twice, three times.

23 All right. I think we're done. Thank you  
24 all for being available on short notice for this. We  
25 wanted to get moving so I could amend you on getting

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1 the schedule established. Thank you and we'll be in  
2 touch.

3 (Whereupon, the above-entitled matter went off  
4 the record at 10:29 a.m.)

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