

ORIGINAL

OFFICIAL TRANSCRIPT OF PROCEEDINGS

Agency: Nuclear Regulatory Commission
Atomic Safety and Licensing Board

Title: Kenneth G. Pierce (License No. OP-30277-02)

Docket No. 55-30662-EA
IA-94-007

LOCATION: Rockville, Maryland

DATE: Wednesday, October 12, 1994

PAGES: 16 - 39

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the matter of : Docket No. 55-30662-EA
KENNETH G. PIERCE : IA-94-007
(License No. OP-30277-02) :

----- X
U. S. Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, Maryland 20852

Wednesday, October 12, 1994

The above-entitled telephone prehearing conference
commenced at 2:00 p.m.

BEFORE ADMINISTRATIVE JUDGES:

- PETER B. BLOCH, Chairman
- RICHARD F. COLE
- FREDERICH J. SHON

1 APPEARANCES:

2

3 On behalf of the Licensee:

4 KENNETH G. PIERCE, JR., pro se

5 21013 South Sarver Drive

6 Shorewood, Illinois 60436

7

8 On behalf of the United States Nuclear Regulatory

9 Commission:

10 COLLEEN P. WOODHEAD, ESQ.

11 STEVEN HON, ESQ.

12 Office of General Counsel

13 1 White Flint North, Room 15B18

14 Rockville, Maryland

15

16 Also present:

17 RICHARD ROSANO

18

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P R O C E E D I N G

[2:00 p.m.]

1
2
3 JUDGE BLOCH: This is Peter Bloch. I am Chair of
4 the Licensing Board for the Kenneth G. Pierce case, Docket
5 Number 55-30662-EA.

6 With me today are Richard F. Cole and Frederick J.
7 Shon, who are judges and together with me comprise the
8 Licensing Board for this case.

9 I would appreciate if the parties would identify
10 themselves for the record, starting with Mr. Pierce.

11 MR. PIERCE: This is Kenneth G. Pierce, Jr., of
12 Shorewood, Illinois. Is that good enough?

13 JUDGE BLOCH: That's fine.

14 Ms. Woodhead?

15 MS. WOODHEAD: Colleen P. Woodhead. I am counsel
16 for NRC Staff.

17 JUDGE BLOCH: Okay. The purpose of today's
18 prehearing conference is a status conference. I understand
19 there have been discussions between the parties so I would
20 like the parties to describe what has happened.

21 MR. PIERCE: Would you like me to go first?

22 JUDGE BLOCH: Whichever would like to do that.

23 MS. WOODHEAD: That would be fine.

24 MR. PIERCE: Well, we had some correspondence
25 and/or phone conversations back and forth trying to come up

1 with some facts we could agree upon and I got kind of
2 frustrated because Ms. Woodhead would agree with me on the
3 phone but she didn't want to put anything in writing. So I
4 decided to just let it go to hearing, whatever it is, as
5 soon as possible, without any.

6 JUDGE BLOCH: So you are ready to go to hearing as
7 soon as possible?

8 MR. PIERCE: Well, more or less. She also --
9 there was also some confusion. I got -- she sent me this
10 real thick report. It's probably five inches thick. This
11 was some time ago she sent it to me.

12 JUDGE BLOCH: Yes, that's the Office of
13 Investigation report and the exhibits.

14 MR. PIERCE: Okay. Right.

15 And I read through it once fairly quickly. And
16 then she had told me subsequent to that that none of that
17 was admissible. I still have it, I didn't throw it out or
18 anything, luckily. But then later on she realized or
19 discovered, whatever, that actually it was admissible so I
20 am going to have to go through all that again to --

21 JUDGE BLOCH: Yes, I assume that the Staff will be
22 using that as the basis for its case.

23 MS. WOODHEAD: That's true.

24 JUDGE BLOCH: And if in reading it through,
25 Mr. Pierce, you decide there are things you need to clarify

1 before the hearing, you have the right to do that, either by
2 asking questions in writing of the Staff or by requesting to
3 depose one or more of the witnesses who are part of that.

4 Do you have any idea how long it will take you
5 before you are ready for trial?

6 MR. PIERCE: I would think no more than a couple
7 weeks. I am currently working six days a week and I am
8 gone for about 12 hours a day so I don't have --

9 JUDGE BLOCH: A couple of weeks is quite speedy,
10 actually. That also means you won't be using discovery
11 extensively. You will be attempting to elicit the facts at
12 the trial.

13 Do you know what witnesses you are going to call?

14 MR. PIERCE: I have an idea. Probably just a
15 couple of operators.

16 JUDGE BLOCH: Okay, that's going to be important
17 for you to firm up that idea and --

18 MR. PIERCE: There is one document I obtained from
19 my union steward about probably a month or so ago.

20 JUDGE BLOCH: You probably -- has there been
21 discovery by the Staff to find out what Mr. Pierce will be
22 making part of his case?

23 MS. WOODHEAD: No, we discussed -- by the way,
24 Judge Bloch, Steve Hon of the Office has just come in and is
25 present on the conference call.

1 JUDGE BLOCH: How do you spell his name?

2 MS. WOODHEAD: S-t-e-v-e-n H-o-n.

3 JUDGE BLOCH: Oh, sure. Thank you.

4 Welcome.

5 And so has the Staff done the discovery it needs
6 to do?

7 MS. WOODHEAD: We don't need discovery. The only
8 thing we would request is -- well, Mr. Pierce and I
9 discussed briefly the typical exchange of lists of witnesses
10 and documents that each party intends to present so this is
11 what we would request as part of the proceeding.

12 JUDGE BLOCH: And does the Staff require that
13 Mr. Pierce answer the allegations as we had thought he was
14 going to after our last conference?

15 MS. WOODHEAD: I'm sorry. Do you mean after the
16 order?

17 JUDGE BLOCH: Yes.

18 MS. WOODHEAD: He did file an answer.

19 JUDGE BLOCH: I don't think I received it. No one
20 on the Board has received it.

21 Mr. Pierce, how did you address it? You don't
22 know?

23 MR. PIERCE: I don't recall. I know I sent --

24 JUDGE BLOCH: In the future, there are filing
25 requirements that I am sure Ms. Woodhead would help to

1 inform you of that.

2 MR. PIERCE: I mailed a couple things to the whole
3 list of people.

4 JUDGE BLOCH: Wait, one of the judges does have
5 it.

6 MR. PIERCE: Everyone should have gotten one. I
7 used the mailing list that was on the back of --

8 JUDGE BLOCH: I'm sorry, we do have it. I'm
9 sorry. I missed it this morning. We have it.

10 Thank you. I am sorry about my confusion about
11 that.

12 MR. PIERCE: No problem.

13 JUDGE BLOCH: So what would the parties suggest as
14 a date for the exchange of lists of documents and witnesses?

15 MR. PIERCE: I have one question concerning one
16 document I have and none of you have.

17 JUDGE BLOCH: Yes.

18 MR. PIERCE: I got it from my union steward
19 probably a month or maybe three months ago. I don't even --

20 JUDGE BLOCH: Yes, I'm listening.

21 MR. PIERCE: And it is a document, an internal
22 document from Commonwealth Edison but it is not signed or
23 dated or anything like that. So I don't know if I need to
24 get it validated somehow or --

25 JUDGE BLOCH: Well, it depends on what you are

1 going to use it for at the hearing. A document that you
2 can't substantiate usually doesn't have very great
3 evidentiary value.

4 If it is part of a regular series of documents
5 used by Commonwealth Edison, you may be able to find someone
6 who would authenticate it for you.

7 MR. PIERCE: I am having some problems getting
8 cooperation from Commonwealth Edison to say the least. They
9 are not exactly happy to cooperate with me and help me out
10 in any way.

11 There is also a union grievance pending between --
12 I am a union member.

13 JUDGE BLOCH: Yes.

14 MR. PIERCE: Everyone else was management. So
15 that is also pending also. So Commonwealth Edison is not
16 really happy with me at this time.

17 JUDGE BLOCH: Because you are not represented,
18 would you like to describe the document so we can see if we
19 can give you some advice about it?

20 MR. PIERCE: It appears to be some sort of an
21 internal investigation into a previous rod mispositioning
22 event in 1992, like in April.

23 JUDGE BLOCH: So at the same plant?

24 MR. PIERCE: Correct.

25 JUDGE BLOCH: So if you think it is important, one

1 thing you can do is discuss with Ms. Woodhead whether you
2 can get more information from the NRC about it.

3 MS. WOODHEAD: Judge Bloch, we have discussed
4 that. We have no information. I did advise him that he
5 could request the Board for a subpoena of the complete
6 document from Commonwealth Edison.

7 JUDGE BLOCH: Yes. And depending on whether the
8 document is relevant, you also could request to have a
9 subpoena of a Commonwealth Edison witness who might have
10 relevant evidence.

11 MR. PIERCE: Right.

12 JUDGE BLOCH: But I don't know what the document
13 says to --

14 MR. PIERCE: Like the author of the document
15 probably or -- see, no one signed it or anything. I believe
16 it to be from the technical staff but I am not positive of
17 that at all. That's what my union steward led me to believe
18 that he got it from some technical staff file. But I
19 haven't contacted him yet to --

20 JUDGE BLOCH: Maybe you should ask the union
21 steward a little bit more. He may be able to lead you to a
22 greater understanding of what it is.

23 But that said, we need to set a date for the
24 exchange of witnesses and documents. Would either of the
25 parties like to suggest a date.

1 MS. WOODHEAD: I'd like to clarify one matter
2 first. As you know, Judge Bloch, under the rules of 27 --
3 oh, excuse me. May I stop one moment and inform the Board
4 that Mr. Richard Rosano of the Office of Enforcement has
5 just joined us here in our conference room.

6 JUDGE BLOCH: Welcome, Mr. Rosano.

7 MS. WOODHEAD: I would like to know the Board's
8 wishes on whether or not the testimony of the witnesses
9 shall be written or direct. The Staff would prefer to file
10 written testimony, although I am aware it is not required
11 since this is a Subpart (b) proceeding and 2743(b)(3)
12 exempts Subpart (b).

13 JUDGE BLOCH: Let me explain to Mr. Pierce what's
14 happening. In NRC proceedings, Mr. Pierce, we often require
15 all testimony to be filed in writing. If you find it
16 difficult to do that, I am inclined to not require it. But
17 there also is an advantage to the Licensing Board, in my
18 opinion, from getting written direct testimony because we
19 get a chance to read it and think about it and compare it to
20 what other people have said.

21 So I would encourage your doing that if you can
22 and then, if you want to, at the hearing you can ask someone
23 whether this is their testimony and you show them the
24 document and if they say it's their testimony, you ask them
25 if it's true and correct to the best of their opinion. And

1 if they agree under oath that it is, it becomes their
2 testimony and we don't have to go through a lengthy
3 discussion.

4 You can then ask questions about a few key points
5 that you would like to make sure are done orally.

6 MR. PIERCE: Okay. Now, this is just like a
7 written statement from someone? Does it have to be like
notarized or anything?

9 JUDGE BLOCH: No, because they are going to
10 basically do that at the trial. They are going to be asked
11 whether it's true. It just speeds things up by having
12 things in writing that we can all look at and know what the
13 problems are.

14 MR. PIERCE: Beforehand, right.

15 In the event -- I don't foresee it, but let's say
16 I have someone who is going to be a witness that could not
17 attend the trial. Someone that's going to --

18 JUDGE BLOCH: Well, that's unusual and it would
19 require a special motion and you could have a deposition of
20 them with a reporter if that was going to happen, but you
21 would have to move for the right to do that and there would
22 have to be a reason to believe they couldn't be at the
23 trial.

24 MR. PIERCE: Okay.

25 JUDGE BLOCH: Is that a correct summary,

1 Ms. Woodhead? I would like you to correct me because I made
2 a monstrous ruling there without argument.

3 MS. WOODHEAD: Yes. I don't believe the Staff
4 would accept the admission of a deposition if the witness is
5 in the country and could appear at hearing.

6 Judge Bloch, Mr. Pierce and I had discussed
7 possibility of a November 14, 15, 16 hearing date and that
8 time frame. However when I went backwards and listed the
9 preliminary actions, activities that must take place prior
10 to hearing, I think maybe that is a little precipitous.

11 JUDGE BLOCH: Why don't we flesh that out so
12 Mr. Pierce can see how you reached that conclusion and then
13 possibly we can all agree on either that schedule or a
14 slightly slower one.

15 MS. WOODHEAD: That was what I was about to do.

16 If we scheduled hearing for the middle of
17 November, we would need, under the rules, to provide the
18 written testimony and the copies of the exhibits to the
19 Board and parties by November 1, which is only three weeks
20 from today.

21 Since we have just changed our posture from
22 discussions to anticipation of hearing in the last four
23 days, I think that may be pushing both parties a little bit.
24 I think it's going to push the Staff too much, particularly
25 one of my witnesses who is presently a resident inspector

1 and is quite busy at the moment.

2 JUDGE BLOCH: So what dates do you now prefer? I
3 understand that you had -- had you agreed to the other
4 dates?

5 MS. WOODHEAD: We had said that was a possibility.
6 But we had not discussed the preliminary filings and the
7 necessary exchange of witness lists and so forth.

8 JUDGE BLOCH: So, Ms. Woodhead, what do you
9 propose?

10 MS. WOODHEAD: I propose that we tentatively aim
11 for hearing December 6, which would require filing of the
12 written testimony and copies of the exhibits on November 22
13 and then prior to that on October 25, both parties would
14 exchange just a list of proposed witnesses and exhibits,
15 documentary exhibits to be submitted at hearing.

16 JUDGE BLOCH: I imagine that the first thing we
17 will handle at hearing is a prehearing conference to
18 stipulate to the authenticity of the documents that are
19 going to be introduced.

20 Mr. Pierce, would you like to comment on the
21 Staff's proposal?

22 MR. PIERCE: It sounds reasonable to me. I guess
23 the only problem I could potentially have, there is, like I
24 say, this one document that I have that I am not sure of its
25 origin and I will look into that.

1 JUDGE BLOCH: Now, as we look over the issues, you
2 tried to stipulate to the complete set of facts. And I
3 would like to urge the parties still to consider stipulating
4 to some of the facts. There must be some facts here that
5 are undisputed and I would just encourage doing that because
6 it will save time at trial.

7 MS. WOODHEAD: Judge Bloch, what I was going to
8 propose was that the Staff file a statement of two issues
9 which Mr. Pierce and I have discussed and he has seen in two
10 different documents and allow Mr. Pierce time to file an
11 objection to it if he has any. It is my understanding that
12 he agrees these two issues are in dispute between us --

13 MR. PIERCE: I am not sure I agree with that. The
14 real issue is whether or not the order should be issued.
15 That is the real issue. That is the issue as far as I know.

16 JUDGE BLOCH: Okay, but the question that I would
17 like to have the parties talk about is what the factual
18 issues are within that, what are the factual reasons that it
19 shouldn't be issued and also if there are differences about
20 the interpretation of law, it would be helpful to know that.

21 The Staff says that such-and-such is the
22 interpretation of law and the -- Mr. Pierce says that it's
23 not, it's the following way. That would sharpen up what it
24 is we are arguing about.

25 MS. WOODHEAD: That's why I propose to file a

1 Staff statement of the issues because we have determined
2 what we believe to be the issues and then I think it is fair
3 to allow Mr. Pierce some time to file an objection to that
4 if he disagrees.

5 JUDGE BLOCH: It seems to me that in the schedule
6 you got a way of doing that would be when you file the list
7 of proposed witnesses, both sides also could file a list of
8 the issues they believe are in controversy and if they want
9 to rebut what the other side has said you can file that at
10 the time you file your written testimony.

11 MS. WOODHEAD: That is possibly agreeable to me.

12 JUDGE BLOCH: Is that okay with you, Mr. Pierce?

13 MR. PIERCE: Yes, that sounds okay.

14 JUDGE BLOCH: I have a request that has to do with
15 my scheduling in another case. I am not sure why we need
16 the full time between November 22 and December 6 with the
17 written testimony. In this case, it seems to me that it
18 might be possible to have just a week before we go to
19 hearing. That would make it possible for me to decide this
20 case easier before we go on to trial in the Georgia Power
21 case.

22 If the parties would accept that, I would propose
23 just moving that up to I guess just after Thanksgiving which
24 would be November -- which would be starting on the 29th of
25 November. Would that work?

1 JUDGE COLE: It's a Monday.

2 JUDGE BLOCH: It's a Monday.

3 JUDGE COLE: The 29th is a Tuesday.

4 JUDGE BLOCH: We could also start on the 28th.

5 Either the 28th or the 29th.

6 MS. WOODHEAD: Judge Bloch, you are proposing a
7 date for filing the written testimony and the copies of the
8 exhibits on the 29th? Is that what you are proposing?

9 JUDGE BLOCH: No, that we move up the hearing
10 date.

11 MS. WOODHEAD: Oh, the hearing. Oh, I'm sorry.

12 JUDGE BLOCH: That we move up the hearing date
13 because I don't think we need two weeks to study the direct
14 testimony in this case.

15 MS. WOODHEAD: The reason I would propose two
16 weeks is because it takes at least three days for documents
17 to go between here and Illinois.

18 JUDGE BLOCH: I'm sorry. I would also accept that
19 the dates that I gave you and the dates that things should
20 be received, I know that under the rules it is standard
21 service is the day -- service occurs when you mail things.
22 But we have now got capabilities to mail things slightly
23 earlier and get them to everyone on time, so you can mail
24 them four days in advance and we know we will get them on
25 time, or you can mail Express Mail the day before or you can

1 even telefax things.

2 So I would like to propose that the dates of
3 filing become dates of receipt and that we then have the
4 hearing beginning the 28th or 29th.

5 MS. WOODHEAD: So you would retain the November 15
6 date but it would be the date to -- for the testimony to be
7 received?

8 JUDGE BLOCH: No, the November 15 date was your
9 hearing date, right?

10 MS. WOODHEAD: No.

11 JUDGE BLOCH: November 22 was written testimony --

12 MR. PIERCE: The hearing date, I thought she said
13 December 6. I am trying to write all this down.

14 MS. WOODHEAD: Yes, my first proposal was to file
15 testimony November 22 and start hearing December 6. But
16 moving that up one week would require filing testimony to be
17 received by November 15 and hearing date begin November 29.

18 JUDGE BLOCH: No, I am not going to move up the
19 written testimony date at all. We are going to keep it the
20 same, except it will be a date for receipt. We are not
21 going to take two weeks; we are going to only take one week.
22 We are going to alter that by order of the Board unless the
23 parties object.

24 I don't see any reason why we need two weeks after
25 receipt.

1 MS. WOODHEAD: All right.

2 JUDGE BLOCH: So you have just as much time to
3 prepare your written testimony. We'll just go to hearing a
4 little faster.

5 MS. WOODHEAD: All right. So November 22, receive
6 the testimony and hearing date November 29?

7 JUDGE BLOCH: Right. And the October 25 date is
8 the date for receiving the list of proposed witnesses and
9 also for receiving any statement of the issues that the
10 party believes to be pending in this case.

11 MS. WOODHEAD: All right.

12 JUDGE BLOCH: And I will repeat that I said that
13 on the date of filing the written testimony, a party could
14 also rebut the statement of the other side on what the
15 issues are.

16 MR. PIERCE: I am a little bit confused.

17 JUDGE BLOCH: Okay.

18 Let's go off the record to discuss it and then I
19 will try to clarify it on the record if I can.

20 [Discussion off the record.]

21 JUDGE BLOCH: While we were off the record, we had
22 Mr. Pierce repeat the dates that things are due,
23 particularly the October 25 date for witnesses and also for
24 statement of issues believed to be pending in the case. And
25 then he repeated the November 22 date as a time that

1 testimony will be received by the Licensing Board and in
2 which it is also possible to rebut the statement of issues
3 filed by the other party at the earlier date.

4 We also discussed that the written testimony could
5 be in narrative form or in question-and-answer form but
6 whatever form it is, the witnesses must be prepared to swear
7 to it under oath at our hearing.

8 Then we discussed the possible length of the trial
9 which the Staff estimated at one to two days. Mr. Pierce
10 said he wasn't sure because he hasn't done things like this
11 before.

12 So we have set the trial date as November 29. We
13 probably will be starting around 9:30 in the morning and we
14 will announce the place when we've found it.

15 We have scheduled a four-day hearing with the
16 hopes that we can complete before that. So be -- the 29th
17 and the following three days.

18 Are there any questions before we adjourn?

19 MR. PIERCE: Any idea where it's going to be?

20 JUDGE BLOCH: It will be somewhere near to your
21 residence and we have to find a government facility that's
22 acceptable. So we will be letting you know that as soon as
23 we can.

24 Do you have a suggestion for a place?

25 MR. PIERCE: I didn't know it had to be a

1 government facility --

2 JUDGE BLOCH: Well, it doesn't have to be. If we
3 can't find one, we can rent another facility but we attempt
4 to use a government facility because it saves the government
5 money.

6 MR. PIERCE: Right. Right.

7 MS. WOODHEAD: Judge Bloch, I had occasion earlier
8 today to talk to someone from Region III who informs me that
9 the new regional facilities have two very nice and spacious
10 conference rooms so that may be something for you to keep in
11 mind.

12 JUDGE BLOCH: Thank you. We will call them and
13 find out about that as a possible place.

14 Is that a convenient place for you, Mr. Pierce?

15 MR. PIERCE: I'm not sure where their new offices
16 are. I was at their old place, but I don't -- I know they
17 moved.

18 MS. WOODHEAD: You know where Lyle is?

19 MR. PIERCE: I don't think they moved too far.
20 Lyle, I have a good idea. It's not too far from where they
21 were before because they were in Lombard essentially before.
22 So they didn't move very far.

23 JUDGE BLOCH: I want to assure you that the Board
24 is independent of the Staff and if we were to choose to meet
25 in their conference room, that would not in any way

1 compromise our independence.

2 Does it bother you that we might meet in a Staff
3 conference room?

4 MR. PIERCE: No, not that in itself. Because
5 where the meeting is I don't feel has anything to do with
6 it.

7 JUDGE BLOCH: If that's important --

8 MR. PIERCE: If you're going to be biased, you're
9 going to be biased no matter where we meet.

10 JUDGE BLOCH: I think that's probably right and we
11 certainly have an intention not to be biased. But I wanted
12 to give you a chance because that makes a big difference to
13 some people.

14 If you objected to having it at the regional
15 headquarters, we would not have it there.

16 MR. PIERCE: I don't. And I don't believe -- I
17 have at least one witness -- well, my witnesses might not
18 appreciate going there because they are still involved in
19 the industry.

20 JUDGE BLOCH: Okay, we will attempt not to have it
21 there in that case. We do want to be completely --

22 MR. PIERCE: I am just guessing. I haven't even
23 talked to them about it.

24 JUDGE BLOCH: We will not have it there because it
25 is a facility for one of the parties.

1 Are there any other questions?

2 MS. WOODHEAD: Judge Bloch, I just want to bring
3 up one matter and that is the number of copies of written
4 testimony and exhibits that the parties will be filing with
5 the Board and providing to each other.

6 I intended to serve three copies to the Board of
7 the testimony, Staff testimony and Staff exhibits as well as
8 a copy of each document as well as testimony to Mr. Pierce.
9 And I am not sure that Mr. Pierce understands that the
10 copies that would be required so that's why I bring this
11 matter up.

12 JUDGE BLOCH: Okay. Yes.

13 Mr. Pierce, that is important. Each of the Board
14 members will need a copy and there will be one for the
15 Secretary of the Commission and one for the Staff. That's a
16 total of five copies.

17 Am I missing one, Ms. Woodhead?

18 MS. WOODHEAD: No, but he will also have to have
19 at least one copy of each document to provide to the court
20 reporter at hearing.

21 JUDGE BLOCH: Yes. So there is a total of six.

22 I tend to have documents that are not too lengthy
23 bound into the record for easy reference later.

24 So there is a total of six copies plus your own
25 that are needed, which it's a substantial copying expense

1 but I really don't know any way to shorten that.

2 MR. PIERCE: Okay.

3 JUDGE BLOCH: Are there any further questions?

4 MR. PIERCE: Not from this end.

5 MS. WOODHEAD: Not at this time. I assume that
6 the Board would allow Mr. Pierce or myself to make a motion
7 to suspend or postpone the schedule if there is some
8 difficulty that arises.

9 JUDGE BLOCH: That can happen. There are other
10 possibilities too. The Board is available for conferences,
11 telephone conferences that will speed things up or unknot
12 difficulties that occur between the parties and you don't
13 even have to schedule those in advance if you want to call
14 up. If it is a fairly simple enough matter, we can
15 sometimes do it without a reporter.

16 I just like to encourage parties to know that we
17 are intent on trying to keep to this schedule but if there
18 is reason to go beyond it, we would hear motions beyond
19 that.

20 MR. PIERCE: Can I have your phone number, Judge
21 Bloch? Because I may have it somewhere but --

22 JUDGE BLOCH: Yes. I will do that as soon as we
23 close the record, just so we don't clutter it.

24 MR. PIERCE: Oh, okay.

25 JUDGE BLOCH: If there are no further questions,

1 the prehearing conference is adjourned.

2 [Whereupon, at 2:30 p.m., the prehearing telephone
3 conference was adjourned.]
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REPORTER'S CERTIFICATE

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

In the Matter of:

NAME OF PROCEEDING: Kenneth Pierce

DOCKET NUMBER: 55-30662-EA

PLACE OF PROCEEDING: Rockville, MD

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

John Hundley

Official Reporter
Ann Riley & Associates, Ltd.