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Atlanta, Georgia
GEORGIA TECH RESEARCH REACTOR

OFFICE OF SECRETARY
ADVISORY BOARD
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50-160-OM
ASLBP No. 95-710-01-OM

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Date:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD
PREHEARING CONFERENCE

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 In the Matter of: : Docket No. 50-160-OM
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 GEORGIA INSTITUTE OF TECHNOLOGY :
 : ASLBP No. 95-710-01-OM
 Atlanta, Georgia :
 :
 GEORGIA TECH RESEARCH REACTOR :
 [Order Modifying Facility :
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Wednesday, November 15, 1995
Conference Room 224
Richard B. Russell Federal Building
75 Spring Street
Atlanta, Georgia

The above-entitled matter came on for prehearing conference, pursuant to notice, at 11:25 a.m.

BEFORE:

CHARLES BECHHOEFER, Esq.	Chairman
DR. JERRY R. KLINE	Administrative Judge
DR. PETER S. LAM	Administrative Judge

APPEARANCES:

On behalf of Georgians Against Nuclear Energy:

GLENN CARROLL

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On behalf of the Nuclear Regulatory Commission Staff:

SHERWIN E. TURK,

Office of General Counsel

U. S. Nuclear Regulatory Commission

Washington, D. C.

and

MARVIN MENDONCA, Project Manager

For Georgia Tech Facility

Office of Nuclear Reactor Regulation

U. S. Nuclear Regulatory Commission

Washington, D. C. 20555

-Continued -

APPEARANCES: (Continued)

On behalf of the Georgia Institute of Technology:

PATRICIA GUILDAY, Attorney

State of Georgia Attorney General's Office

and

RANDY A. NORDIN, Chief Legal Advisor

and

DR. RATIB A. KARAM, Director

Neely Nuclear Research Center

and

RODNEY ICE, Manager

Office of Radiation Safety

ALSO PRESENT:

MS. PAMELA BLOCKEY-O'BRIEN

P R O C E E D I N G S

11:25 A.M.

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CHAIRMAN BECHHOEFER: At this point, let's shift transcripts to the other transcript starting with page 1 and I will state for that transcript that Ms. Carroll has asked that Mr. Johnson who had been offered earlier as their member to found their standing but it was somewhat unclear that he wished to be represented by GANE in the fuel case, that Mr. Johnson be permitted to make a supplementary statement. Is that your desire?

MS. CARROLL: Un-huh. I think you introduced him rather well.

CHAIRMAN BECHHOEFER: Okay, why don't you mention that?

MS. CARROLL: Basically, it didn't seem to be a question whether we had standing but whether -- apparently, the unclear language that GANE used in filing that Mr. Johnson did indeed want to be represented and so Mr. Johnson came down to represent himself to you and his name is Robert Johnson, and why don't you --

STATEMENT BY MR. ROBERT JOHNSON

I am not sure how much information that you really want or need but I do continue to work well within a mile of the reactor. I have been to every GANE meeting since the last time that I spoke to you all and I am very happy with

1 how Glenn has been representing me and would be very much
2 inclined to have her continue to do so in this matter through
3 the end of the process or, you know, for as long or for
4 whatever purposes as you need me to state my willingness to
5 do so.

6 CHAIRMAN BECHHOEFER: So you are interested in the
7 fuel case?

8 MR. JOHNSON: Yes.

9 CHAIRMAN BECHHOEFER: As distinguished from the
10 other case.

11 MR. JOHNSON: Yes, like Ms. Carroll, I am very much
12 a layman when it comes to matters of the law and if there was
13 ever any confusion about that to begin with, then I apologize
14 but it has always been my intention that Glenn would be able
15 to represent me on all contentions and at every stage of this
16 process and if I had made that unclear or had not stated that
17 fully to the satisfaction of the court, to the satisfaction
18 of the law in the past, then I hereby do so.

19 ADMINISTRATIVE JUDGE KLINE: Any problem with that?
20 I mean with the statement.

21 CHAIRMAN BECHHOEFER: Any standing problem?

22 MR. TURK: Speaking for the staff, Your Honor, I
23 first have to say it is a pleasure to meet Mr. Johnson
24 personally. I have no basis to challenge his statement of
25 standing as he made it.

1 We still have a concern, however, in that in order
2 to establish standing a person must show that they could be
3 adversely affected by the proceeding and we have not heard
4 anything yet from GANE or Mr. Johnson about how the staff's
5 order to convert from HEU to LEU could adversely affect Mr.
6 Johnson.

7 CHAIRMAN BECHHOEFER: We will get to that.

8 Does Georgia Tech have anything to add to that? We
9 will hear arguments on standing and whether there would be
10 injury impact later on. I think --

11 (Discussion held off the record.)

12 I think for now Mr. Johnson has submitted an
13 adequate statement. Any arguments we will get to when we get
14 to the case generally.

15 MS. GUILDAY: We would just note that we would
16 concur with Mr. Turk's position.

17 CHAIRMAN BECHHOEFER: We will hear arguments about
18 standing later on but at least as to the statement of Mr.
19 Johnson's desire to be represented in that proceeding, I
20 think that is sufficient, what we've heard.

21 Thank you. I am glad to have met you.

22 MR. JOHNSON: Thank you.

23 CHAIRMAN BECHHOEFER: And now, we will get back to
24 the other case.

25 [Whereupon, at 11:30 a.m., a recess was taken, to

1 resume at 1:35 p.m., the same day.]

2 CHAIRMAN BECHHOEFER: I guess now about the only
3 thing we have left is the fuel case. The HEU/LEU fuel case
4 and our question -- well, one of our questions concerning the
5 staff was responding to what Mr. Johnson, as a clarification
6 of a previous response of GANE. The question still remains
7 whether or not GANE has standing but even more important
8 because, I might say we relied on a decision which says that
9 if they have standing in one case, they will have standing in
10 a case that goes on at a site involving the same reactor.

11 In fact the decision that was involved would be a
12 little bit less connected, there were two separate actions
13 concerning the same reactor would -- the question there is
14 whether the standing in one would/could follow the standing
15 in the other and the Licensing Committee held that it could
16 and I cited that. That was, uh, it involved GANE, the case
17 involved GANE but a different reactor.

18 In any event, I think the most significant question
19 and, before we even resolve whether or not there is standing,
20 we would like to find out whether there is a valid contention
21 and, as we look at it, the contention in our view lacks one
22 thing. It doesn't have any support for the technical point
23 of view that is expressed, namely that the reactor should be
24 reconfigured. The core reconfiguration is what was sought
25 and since there is no technical support saying why there

1 should be core reconfiguration, particularly since I believe
2 the staff -- it is my recollection that the staff used sort
3 of a standard formula for evaluating whether the
4 reconfiguration was necessary. I may be wrong, but this is
5 my reading anyway, and perhaps the -- well, perhaps GANE
6 could explain whether they, whether it even supports the
7 source stating that a new core reconfiguration should be
8 required rather than the methodology that I think the staff
9 used to assess that.

10 MS. CARROLL: Our source, which I have confidence
11 in, in the course of conversation a couple of weeks ago, it
12 became apparent to me he did not have the qualifications to
13 serve as an expert witness and I had been fairly relaxed
14 thinking we had that base covered and I did contact a fellow,
15 a nuclear engineer, who was willing to review the document.
16 I sent the document to him. He is involved in other
17 litigation. As of Friday, he said he had not looked at it
18 but that he would.

19 Now, this did not preclude that he was going to
20 agree with us, I mean it does not assume he was going to
21 agree with us. He was going to review the Conversion Order
22 and our contention and the responses and give me his input
23 and I was unable to make contact with him between there and
24 now. I have no idea what viewpoint he would take on it.

25 I can't -- I cannot support the contention but I

1 will cast aspersions on Georgia Tech's ability to do math, on
2 the reactor personnel's ability to do math and we will bring
3 it up over and over and over again in the management
4 contention.

5 In the Nuclear Regulatory Commission's
6 investigation reports, repeated corrections on monitoring
7 emissions, on how they calculate the data that is in the
8 annual reports, how one poor calculation sets up a chain
9 reaction and all of the other calculations are done, or get
10 wrong answers because of wrong figures plugged in on
11 earlier -- it doesn't even appear to me that there is an
12 attempt to falsify, it appears that there is a weakness in
13 the ability to make calculations.

14 You will see examples of dividing when you should
15 be multiplying by the conversion factor, such as that, so
16 whether GANE can bring the talent to the Conversion Order to
17 help scrutinize that or not, I cannot say but I encourage the
18 NRC to look at it really carefully because you have been
19 catching them doing their math wrong lately.

20 CHAIRMAN BECHHOEFER: Well, let me add this. In
21 view of your seeking to become a party in the fuel hearing,
22 you should have actually established a basis for four these
23 contentions sometime ago, whatever the filing date was.

24 MS. CARROLL: Well, as I said --

25 CHAIRMAN BECHHOEFER: And we were going to allow

1 you to supplement it to the extent you could today to see if
2 you had a valid contention but from what you have told me
3 right now at least, it doesn't appear you will have a valid
4 contention in the fuel case itself and, of course, the
5 necessary consequence would be that we will just dismiss your
6 Petition to Intervene in that case, issue an order saying no
7 case and it doesn't mean that if you have management
8 problems, that can't be raised in the other case.

9 MS. CARROLL: Right.

10 CHAIRMAN BECHHOEFER: A calculation problem and
11 that kind of thing but unless you have something specific
12 showing the reconfiguration that was done, or it would be the
13 comparison that was done was not adequate. I believe some
14 place in the staff's documents there is a statement about
15 reliance on certain other related reactors which have done
16 the same thing. That is my recollection at least, and unless
17 you could show that that is not adequate, I am not sure we
18 can accept the contention and without a contention, of
19 course, you don't have an intervention in that part.

20 MS. CARROLL: In a recent alumni newsletter, there
21 is a very lengthy, very positive article about the reactor
22 which will -- if the money can be put together and their
23 license gets renewed, they are planning to do cancer research
24 in their unique reactor in that article, completely unique in
25 this country, and I may want to go into that.

1 I feel like that the process is not going to allow
2 us to go forward without an expert and basically I had all of
3 my eggs in one basket and it turned out he wasn't an expert.

4 I went in another direction and it has not, you
5 know, I did not make contact with him yesterday. Maybe he is
6 avoiding me, you know, his phone was busy until very late
7 last night. I don't know. I am here today and I don't have
8 an expert. We don't have an expert. I would like to look
9 for one.

10 I see lots of other tangential sort of things
11 around the periphery of this to say NRC question this. You
12 don't just sign off on this. You know, we can't scrutinize
13 it. Make sure you do.

14 As I said, this fellow that I assumed was an expert
15 I finally realized his training was not sufficient to put him
16 forth as an expert. I feel like his experience in the field
17 is part of the reason why for such a length of time I thought
18 we have got our expert. It is the guy that led us to do this
19 to begin with.

20 ADMINISTRATIVE JUDGE LAM: So as of now, you have
21 no basis to support that contention.

22 MS. CARROLL: I think that's --

23 CHAIRMAN BECHHOEFER: It is on page 2 of your
24 submission.

25 (Pause.)

1 It carries over to page 3.

2 MS. CARROLL: Okay, my advisor is on a track here
3 where there is -- it is alleged that there is a reference by
4 Tech to a document that they based their theory on and that
5 that document doesn't exist and we are groping over here.

6 It would be in the order, I take it, in that
7 portion of the order that talked about, uh --

8 ADMINISTRATIVE JUDGE LAM: Ms. Carroll, are you
9 attempting to answer the question I just asked or are you on
10 a different track now?

11 MS. CARROLL: What is the basis?

12 ADMINISTRATIVE JUDGE LAM: Right, my question is as
13 of now you have no basis to support your contention. That
14 was the question and then you were interrupted; what is your
15 answer to that question?

16 MS. CARROLL: It is my sense, Judge Lam, that the
17 basis for this will be highly technical and that I don't
18 personally know enough about nuclear engineering. Other than
19 the common sense ideas I put forth, I can't -- short of
20 having a nuclear engineer, we can't prove whether their
21 theory is right or wrong.

22 But going for broke here as lay people not
23 understanding the law and not understanding nuclear
24 engineering particularly but finding all kind of common sense
25 problems like, yeah, the TV crew did climb over the chain-

1 link fence.

2 CHAIRMAN BECHHOEFER: Well, that is the other --

3 MS. CARROLL: On page 11 of the order, we will
4 point out -- where is my page?

5 CHAIRMAN BECHHOEFER: What is the document that
6 doesn't exist?

7 MS. O'BRIEN: That is what I am trying to find,
8 exactly which page it is on, which means going through these
9 pages.

10 MS. GUILDAY: What document are we talking about?

11 MS. CARROLL: We are talking about the Conversion
12 Order. I mean the only document I really have on this came
13 from the NRC. There is some boilerplate language in there
14 about, you know, why we are doing a conversion and in 20 days
15 if we get, you know, we can petition to intervene and then,
16 you know, all we have really looked at on this would be the
17 attachment which appears to justify how it looks good on
18 paper, let's do it boys.

19 Now, what Pamela found while she was looking for
20 this other thing is on page 11 of that attachment and
21 actually I took mine apart and I don't know if I have put the
22 sequence back together. It is kind of in two sections. The
23 how you have a hearing and here is the attachment. It is on
24 page 11 and it is under Section 2.14.5.

25 MS. O'BRIEN: No, under fuel loading accident.

1 MS. CARROLL: And it says: Comparing spurt tests
2 with a similar D2O moderated HEU reactor indicates --
3 emphasis on the word indicates -- that fuel temperature in
4 GTRR would not reach the melting point, so sitting here just
5 with common sense today we say to all of you folks in charge
6 here that we are really uncomfortable with going forth with
7 something that indicates that the melting point won't be
8 reached. That is not very reassuring.

9 ADMINISTRATIVE JUDGE LAM: So what you are saying
10 is your intervention in this case is primarily based on you
11 had an opinion, you had a feeling that the Georgia Tech
12 conversion from a highly enrichment fuel to a low enrichment
13 fuel would be unsafe, that is the basis for your
14 intervention?

15 MS. CARROLL: No, I am not saying that. It was not
16 based on our feeling. It was rather based on Bob Boyd's
17 assertion upon reviewing this document that hey, I am all for
18 nuclear energy, he said, and they ought to do it, it will be
19 more secure but if they are going to do it, they ought to do
20 it right and it was his concern that either one of two things
21 would happen. The effort to stuff more fuel in the same
22 number of, I call them ports, I don't know what the technical
23 term is, where the rods are inserted, that by stuffing more
24 of the lower enriched uranium in there, it either wouldn't
25 work and would be a tremendous waste of time and energy or

1 where would be a criticality accident which would not be
2 worth it. It would be a bad scene.

3 We filed the document. We had Bob Boyd willing to
4 be subpoenaed and then it just sort of hit me and I checked
5 with him and he concurred he is a Health Physicist, I
6 believe, not a Nuclear Engineer. He has worked around a
7 reactor all of these years and everything but, anyway, and we
8 can subpoena him but we were going for a Nuclear Engineer.

9 ADMINISTRATIVE JUDGE KLINE: Is this the same Mr.
10 Boyd that you have referenced in the other case?

11 MS. CARROLL: Yes, it is.

12 ADMINISTRATIVE JUDGE KLINE: And he appears not to
13 want to cooperate in this case, is that right?

14 MS. CARROLL: No, not at all but when I said to
15 him --

16 ADMINISTRATIVE JUDGE KLINE: Well --

17 MS. CARROLL: Okay, let me finish this thought and
18 then we are going to get to it. My counselor has found it.

19 MS. O'BRIEN: Found it.

20 MS. CARROLL: We were conferring about this coming
21 up and we established that the only way he could possibly
22 feel comfortable would be if we forced him in here with a
23 subpoena, but he was friendly about it, but he -- I have said
24 it repeatedly, he feels very much at risk by having family
25 members working at Tech and such.

1 So then I go, well, you know, there is the
2 conversion thing we have got to go to so I want to get that
3 back on your mind and we talked about it for awhile and he
4 goes, at least I think that's right, and I went, you think
5 that is right? You know you started this whole process, you
6 think that's right and he said pretty much, well, we probably
7 ought to get an engineer to look over it which I initiated
8 and it didn't pan out.

9 You know, maybe today is the last day and I get no
10 further chances; however, let us at least put this one other
11 thing in the record.

12 ADMINISTRATIVE JUDGE KLINE: Well, you can use
13 writings as well.

14 CHAIRMAN BECHHOEFER: Yes.

15 ADMINISTRATIVE JUDGE KLINE: I mean, you know,
16 writings that are published or that have an author who is --

17 MS. CARROLL: Well, I don't have any of those in my
18 hip pocket today.

19 ADMINISTRATIVE JUDGE KLINE: You have a writing of
20 some kind there.

21 CHAIRMAN BECHHOEFER: What is that?

22 ADMINISTRATIVE JUDGE KLINE: And I can understand
23 the basis of the -- but in general, as a procedural matter,
24 it is legitimate to use writings, expert writings.

25 MS. CARROLL: Well, I had put my faith in an expert

1 analysis and --

2 ADMINISTRATIVE JUDGE KLINE: What have you got
3 there?

4 MS. CARROLL: What we have got is I believe from
5 the Safety Analysis Report.

6 MS. O'BRIEN: Yes, and this is also on the
7 conversion if they would convert it from LEU to HEU, this is
8 what it says.

9 MS. CARROLL: I didn't pack my SAR today, it is too
10 heavy, but Pamela brought hers.

11 MS. O'BRIEN: Page 134.

12 MS. CARROLL: So, page 134, and you can see that
13 Pamela anticipated this, it is all covered with highlighters
14 and stars and --

15 ADMINISTRATIVE JUDGE KLINE: Does it say in there
16 that we should reconfigure?

17 MS. CARROLL: Calculations were also done to
18 examine the adequacy of the current safety system trip
19 setting show in Table 12 for operation of power levels equal
20 to or less than 1 megawatt. Since data from analyses of the
21 high-enriched uranium core by Georgia Tech were not
22 available, calculations were done using the Georgia Tech
23 Research Reactor high-enriched uranium and the, I think,
24 Argon National Laboratory, low-enriched uranium engineering
25 uncertainty factors shown in attachment 2.

1 (Discussion held off the record.)

2 CHAIRMAN BECHHOEFER: What page?

3 ADMINISTRATIVE JUDGE KLINE: She is reading from
4 it.

5 CHAIRMAN BECHHOEFER: I know, but I have got it. I
6 need to know what the page is.

7 MS. CARROLL: Now, in reading this, it is pretty
8 bold to even print this sentence.

9 MS. GUILDAY: Judge, page 134.

10 MS. CARROLL: Yes, and it is in the bottom section
11 under this Table 14. Since data from analyses of the HEU
12 core by Georgia Tech were not available, okay, the first part
13 of the sentence, calculations were done using the Georgia
14 Tech HEU which doesn't have data available and the ANL LEU.

15 Now, unless I just can't read English, this says we
16 have got X which is unknown and we have a known picture and
17 we are calculating on the other and what they have to get is
18 an answer for which they don't know the value because they
19 didn't know what X was.

20 CHAIRMAN BECHHOEFER: I don't have that page.

21 MS. CARROLL: Do you need -- do you have your
22 Safety Analysis Report with you? It is a pretty unwieldy
23 sentence if you would like to examine it.

24 (Discussion held off the record.)

25 CHAIRMAN BECHHOEFER: I think the staff in it's

1 response commented on that. Would the staff like to make
2 further comment on what the meaning of this language is?

3 MR. TURK: I would like to make a comment but then
4 I think in terms of the meaning of the language quoted from
5 the SAR I would turn to Mr. Mendonca.

6 CHAIRMAN BECHHOEFER: Yes, that would be fine.

7 MR. TURK: But the first point I have to make is I
8 don't see how the page that Ms. Carroll read from in anyway
9 relates to the SAR statement which she says shows that a
10 document of some nature doesn't exist. I don't see that
11 there is any connection between the first statement, unless
12 there is some missing document, and the second statement that
13 she read from the SAR.

14 In terms of what the SAR statement means, I would
15 see if Mr. Mendonca wants to comment and possibly the
16 licensees may have something they can answer concerning that.

17 MR. MENDONCA: Since the original analysis of the
18 HEU core was done previously in the '74 or '64 time frame,
19 ANL, Argon National Lab, did not have that analysis available
20 so they had independently modeled an HEU core and an LEU core
21 so what they are saying is rather than using a previous
22 analysis, we used our current updated analysis for the HEU
23 and the LEU. We then went through the calculations; that is,
24 Argon went through the calculations assuming the various set
25 points in the reactor that are established for the 1 megawatt

1 operation level and verified with those set points for our
2 new models that there would not be a DNB, departure from
3 nuclear boiling, or an instability question is what I
4 understand that chapter, that paragraph means.

5 Now, it relates to our analysis in the thermal
6 hydraulic area and if they want to talk about our analysis
7 that relates to that paragraph and what we thought we said, I
8 would refer to the thermal hydraulic analysis which right now
9 is 2.11, I think -- 2.11 on page 6 of the SAR.

10 Now, maybe Georgia Tech would want to confirm or
11 elaborate further on the understanding of the analysis.

12 DR. KARAM: Other than to confirm what Mr. Mendonca
13 said, beyond that it is my understanding that the NRC on
14 their own, using their own models, recalculated what we put
15 in and they found agreements with the answers that we have in
16 the Safety Analysis Report. Two totally different models
17 being used in the calculations and the NRC calculations
18 confirmed what we put in the analysis.

19 ADMINISTRATIVE JUDGE KLINE: The calculations that
20 appear to be not available now, were they the original
21 licensing calculations --

22 DR. TURK: Yes.

23 MR. MENDONCA: Yes, sir.

24 ADMINISTRATIVE JUDGE KLINE: -- That are now lost
25 somewhere?

1 MR. MENDONCA: Yes, old and out of date and you are
2 using new models, new correlations, different correlations
3 that relate more to current data.

4 ADMINISTRATIVE JUDGE KLINE: Old and out of date,
5 yeah.

6 MS. CARROLL: Doesn't that seem basic that all of
7 that new genuine information from Tech would be necessary
8 before you would go forth on such an elaborate project as
9 this?

10 MR. MENDONCA: I think they have missed the point
11 that the new information was incorporated in the analysis.

12 ADMINISTRATIVE JUDGE KLINE: Yes.

13 (Discussion held off the record.)

14 CHAIRMAN BECHHOEFER: I personally have one
15 question. Why was this calculation done at levels up to only
16 1 megawatt? This reactor goes up to 5 if my understanding is
17 correct?

18 MR. MENDONCA: They have two operational modes,
19 mode 1 and mode 2, one is for 1 megawatt, one is for 5
20 megawatts. There are different trip points associated for
21 that, although conservatively you could use the trip points
22 for either or even the 5 megawatt and still meet the
23 requirement no matter, you know, in our analysis, what power
24 level you start from so they wanted to be complete to verify
25 in their own mind that the set points for 1 megawatt would

1 also satisfy the criteria for the thermal hydraulic stability
2 and boiling conditions.

3 DR. KARAM: I would like to add to that, that the
4 original license was for 1 megawatt and since '74 the
5 licensing folks amended and upgraded to 5 megawatts.

6 CHAIRMAN BECHHOEFER: Was an analysis done at that
7 time?

8 DR. KARAM: The original was done at the 1 megawatt
9 and this is just a benchmark, the calculation reference
10 point, that the original calculation was talking about --
11 these calculations in the table and questions are at 5
12 megawatt.

13 CHAIRMAN BECHHOEFER: I see. Okay.

14 MS. CARROLL: I had a hard time following that.
15 You have analyzed 1 megawatt. You have analyzed 5 megawatts?

16 DR. KARAM: Yes.

17 (Discussion held off the record.)

18 CHAIRMAN BECHHOEFER: Let me follow up with one
19 thing. I still haven't found out what document that is
20 referenced is missing.

21 MS. CARROLL: I think the word document --

22 CHAIRMAN BECHHOEFER: I was recalling that earlier
23 one, is that the only -- the earlier analysis?

24 MS. CARROLL: Exactly.

25 CHAIRMAN BECHHOEFER: I see.

1 MS. CARROLL: And this is now, is everybody but I
2 satisfied that even though there was no data that some data
3 was materialized, everybody but us is satisfied with that?

4 ADMINISTRATIVE JUDGE KLINE: I am satisfied because
5 we have got on the record that the missing data was the
6 original licensing calculations which have now been
7 superseded by new calculations.

8 MS. CARROLL: But it doesn't say that here.

9 ADMINISTRATIVE JUDGE KLINE: I understand but the
10 annotated information told us that.

11 CHAIRMAN BECHHOEFER: Yes.

12 ADMINISTRATIVE JUDGE LAM: What Mr. Mendonca and
13 Dr. Karam said was exactly what Judge Kline has said.

14 MS. CARROLL: Well, now, how come, you know,
15 everybody is assuming everything is fine until GANE comes
16 along and says this sentence reads a little weird, didn't
17 anybody else stop at this and go we have got a typo or,
18 because that seems a little fundamental. It seems like this
19 one sentence would read clearly so that somebody like GANE
20 wouldn't go off half cocked.

21 ADMINISTRATIVE JUDGE KLINE: I think it is widely
22 agreed that engineers don't always write as clearly as they
23 ought to but we have clarified it.

24 (Discussion held off the record.)

25 MS. CARROLL: Everybody agrees this is a badly

1 written sentence, right?

2 ADMINISTRATIVE JUDGE KLINE: I agree.

3 MS. O'BRIEN: Okay, this is the relicensing
4 application, this is from their relicensing application.
5 This is what this is from, right?

6 MS. CARROLL: It looks like the Analysis Report
7 that was submitted.

8 Okay, so somewhere in there, there is a missing
9 subject or something and it should have said since this data
10 wasn't available, we had to create new data, you know, we had
11 to find new data so what they did was they looked and
12 reviewed the historical data, they analyzed the situation
13 again, used the new data and compared it to the low-enriched
14 reactor.

15 MS. O'BRIEN: Is that right?

16 MR. TURK: What is new is the new calculation based
17 upon data that existed at the time the calculation was done,
18 when the SAR was submitted.

19 MS. O'BRIEN: Okay, it is not really new data?

20 MS. CARROLL: They didn't have any '74 data on the
21 shelf so in '94 --

22 MS. O'BRIEN: No, wait.

23 CHAIRMAN BECHHOEFER: From what I understand, the
24 analysis that the staff did would probably be preferable to
25 analyzing the earlier calculation, certainly no less

1 significant.

2 MS. CARROLL: In fact, we would probably complain
3 about it if they used very old data.

4 ADMINISTRATIVE JUDGE KLINE: Well, we are really
5 not here to edit their documents. The question before us is
6 do you have a basis in writing or in experts for your view
7 that the core should be reconfigured?

8 MS. CARROLL: Well, I don't want to lay over -- I
9 don't want to fall over too easily. I don't think we could
10 satisfy your criteria for that. We cannot name an expert
11 witness. We have no writings to support our theory.

12 ADMINISTRATIVE JUDGE KLINE: Then that is the
13 answer to the question.

14 CHAIRMAN BECHHOEFER: That is the proper answer and
15 I think that we will -- well, we will issue an order
16 dismissing that; again, not -- dismissing the petition or
17 denying the petition, I guess I should say, in the fuel case
18 but that won't have any effect at all on the other case.

19 MS. CARROLL: You say you will be issuing an order
20 dismissing the fuel case, is that what you said?

21 CHAIRMAN BECHHOEFER: Denying the petition in the
22 fuel case. In doing so, we don't have any independent view
23 of the adequacy of supporting documents but we haven't heard
24 anything yet that would show that they are not adequate.

25 MS. CARROLL: Well, I would think that as we go

1 forth through the management process and we consider together
2 some of the technical inadequacies that are showing to us
3 over there that there is probably some process available to
4 GANE, even if it is very stringent, to file late if we do
5 understand this better. Before they actually do the
6 conversion, we may have a way to get some process and bring
7 it up again.

8 CHAIRMAN BECHHOEFER: Well, if it is a management
9 problem that would fit into your management contention, you
10 may not have to file anything, you might have to identify it
11 in response to discovery.

12 MS. CARROLL: That they can't manage a conversion
13 LEU.

14 CHAIRMAN BECHHOEFER: You are going to be producing
15 documents and other evidence on the management contention in
16 any event and so to the extent any of this relates to
17 management, I would think it could fall there but you will
18 have to, in responding to discovery, that will be one of the
19 items.

20 (Discussion held off the record.)

21 CHAIRMAN BECHHOEFER: Yes, the late-filed
22 contention is also available but to the extent it fits into
23 your management contention, if you identify it in discovery
24 you won't have to do a late filing.

25 MS. CARROLL: Uh-huh. Do you mean the conversion

1 case might creep into the management.

2 CHAIRMAN BECHHOEFER: Well, to the extent it
3 relates to management.

4 ADMINISTRATIVE JUDGE LAM: Also, if there are any
5 other new contentions, you can go through the late filing
6 process, the 5-factor criteria.

7 CHAIRMAN BECHHOEFER: That is correct.

8 ADMINISTRATIVE JUDGE LAM: That is open to you.

9 CHAIRMAN BECHHOEFER: So our order will purely deal
10 with the fuel case, that particular one, and we will issue
11 another order setting schedules and that type of thing for
12 the renewal case but our order in this case will be merely to
13 deny your petition for leave to intervene and request for a
14 hearing in the fuel case. It will be limited to that.

15 MS. CARROLL: I am going to explain to Pamela what
16 is going on here and I want you to check me if I am wrong.

17 ADMINISTRATIVE JUDGE KLINE: We don't need to do
18 this on the record.

19 CHAIRMAN BECHHOEFER: Yes, I am not sure we need
20 this on the record.

21 MS. CARROLL: I am not sure we can get this
22 contention admitted, Pamela, by pointing out all the
23 weaknesses in their documents although I think we are
24 entitled to more process if we want to point out more
25 weaknesses in their document but I am not sure we can get

1 over the threshold on that. We need an expert witness.

2 CHAIRMAN BECHHOEFER: This is a kind of a
3 conference with your advisor and it shouldn't really be going
4 on the record.

5 MS. CARROLL: Oh, I am sorry, but I wanted you to
6 hear me because I am not all that sure I understand. I mean,
7 you know, everybody is here. I have got your ear. If I have
8 got something to say, I should say it.

9 ADMINISTRATIVE JUDGE KLINE: It has nothing to do
10 with the merits of your contentions. It has to do with the
11 fact that you have not brought forth a basis for your opinion
12 and a basis that would work is a basis in writing written by
13 an expert or a basis by any expert himself who is willing to
14 say this is wrong. We don't know if it is right or wrong but
15 you have no expert who is telling us. They think it is right
16 what they are doing and you have to come in and persuade us
17 that they are not and you need an expert of something to tell
18 us that, so it has nothing to do with the merits of your
19 contention.

20 The question is where is --

21 MS. CARROLL: And it doesn't have anything to do
22 with the merits of their document that they submitted.

23 CHAIRMAN BECHHOEFER: I have tried to say we are
24 not approving any document.

25 ADMINISTRATIVE JUDGE KLINE: We are not approving

1 any document. We are not entering it. We are not doing
2 anything to it.

3 They have filed something that they think is
4 adequate. You are free to disagree and say we don't think it
5 is adequate but if you do that, you have to say why.

6 MS. CARROLL: Uh-huh.

7 ADMINISTRATIVE JUDGE KLINE: Why is it inadequate?
8 Because here is an engineer who wrote a paper that said it is
9 or here is an engineer who is hollering about it orally and
10 we are going to bring him in here and he is going to holler
11 in front of us. If you get that, then you are okay but you
12 have to come up with a basis of some kind and right at the
13 moment, you have only your own opinion which admittedly is
14 not an expert opinion.

15 MS. CARROLL: Okay, I am going to go for broke here
16 which I am sure you have never seen me do this before.

17 We really aren't here today to challenge Mr. Boyd's
18 qualifications as an expert witness.

19 ADMINISTRATIVE JUDGE KLINE: And you have talked
20 about it. You are right.

21 MS. CARROLL: So I can throw his name in there,
22 plus everybody else, line up the nuclear engineer --

23 CHAIRMAN BECHHOEFER: Now you will have to
24 establish why he is an expert in that area to us.

25 MS. CARROLL: But not today. That will be in the

1 discovery process.

2 CHAIRMAN BECHHOEFER: No, that would be -- that is
3 part of your contention. That has to be in your contention
4 and we are trying to figure out whether your contention can
5 be an exception, it doesn't have the support and you would
6 have needed -- today is after the time really that you should
7 have come up with all of that in whatever that, I don't know
8 what the date of the document is, but anyway that is the kind
9 of thing that should have been in your other earlier
10 document.

11 We were -- but we were willing to listen today to
12 allow you to supplement that but I think that you have said
13 now you don't have a basis so I think our only alternative is
14 to deny your petition in the fuel case only.

15 MS. CARROLL: All right.

16 CHAIRMAN BECHHOEFER: So I think we will be doing
17 that and the only other thing, are there other things that
18 any of the parties want to talk about before we adjourn while
19 we are here?

20 MR. TURK: I would only note one thing, Your Honor,
21 and that is that the order itself was issued in June, June
22 16, fully five months ago, and the order was issued along
23 with the attached SER. The licensee's documents were on
24 record previously as the Board itself asked to be served with
25 copies of those documents that supported the conversion.

1 CHAIRMAN BECHHOEFER: And we were.

2 MR. TURK: And all the parties were given copies of
3 those through their filings. Even if GANE had wanted to show
4 you areas of the supporting documents that are deficient,
5 they have not done so until now. They might have been able
6 to support a contention on the grounds that documents that
7 underlie the staff's order are deficient but they have not
8 pointed to anything which would lead you to conclude that
9 there is a basis for saying that the order is deficient, so,
10 in any event, they haven't made a showing of any basis to
11 support their contention.

12 CHAIRMAN BECHHOEFER: That is what we just held
13 unless you convince us to change our mind.

14 (Laughter.)

15 You know, quit while you are ahead.

16 MR. TURK: I am done.

17 CHAIRMAN BECHHOEFER: Is there anything else, any
18 other subject connected to either case, I guess, which still
19 needs to be asked that you might have forgotten? I think we
20 have went over it in pretty much detail on the renewal
21 schedule, etc.

22 We would urge though that to make sure you can
23 qualify the early January date about your plans for summary
24 disposition. We would hope, we would like to get the hearing
25 scheduled and over with sometime prior to the time that

1 accommodations get short in Atlanta and I don't know when
2 that will happen but it would be nice to hold the hearing in
3 March rather than in April or April rather than in May just
4 given what we understand to be the difficulty in finding
5 accommodations in connection with the olympics so to the
6 extent we could hold the hearing in March, it would be
7 desirable, which if we were told by January 12, we could make
8 that schedule.

9 We would wait until after February 1, until after
10 discovery and then add a couple of weeks to file prepared
11 testimony and maybe issue some subpoenas, I think we could
12 make a March hearing and that would be desirable. Of course,
13 something else may be going on in March too. It is hard to
14 get a reservation. I think Atlanta is a popular city.

15 Well, anyway, I think that is about all so we will
16 adjourn both prehearing conferences.

17 We appreciate you all being here.

18 (Whereupon, at 2:11 p.m. the prehearing conference
19 was adjourned.)
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C E R T I F I C A T E

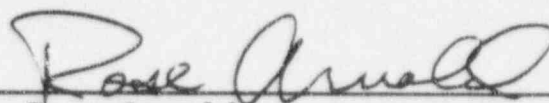
This is to certify that the attached
proceedings before the United States Nuclear
Regulatory Commission in the matter of:

Name of Proceeding: Georgia Institute of Technology,
Atlanta, Georgia, Georgia Tech Research
Reactor

Docket Number: 50-160-OM
ASLBP No. 95-710-01-OM

Place of Proceeding: Atlanta, Georgia

were held as herein appears, and that this is the original
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