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Title: Georgia Institute of Technology
Pre-Hearing Conference

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

Location: Atlanta, Georgia

Date: Wednesday, April 24, 1996

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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.
GEORGIA INSTITUTE OF TECHNOLOGY : 50-160-Ren.
Atlanta, Georgia :
:
GEORGIA TECH RESEARCH REACTOR : ASLBP No.
:
: 95-710-01-Ren.
Renewal of License No. R-97 :

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Wednesday, April 24, 1996

U.S. Court of Appeals
56 Forsyth St., Courtroom 338
Atlanta, Georgia

The above entitled matter came on for
hearing, pursuant to notice, at 2:30 p.m.

BEFORE:

CHARLES BECHHOEFER, Chairman

DR. JERRY R. KLINE, Member

DR. PETER S. LAM, Member

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1 APPEARANCES:

2
3 Assistant to the Board:

4 ALLENE COMIEZ

5
6 On behalf of the Nuclear Regulatory Commission:

7 COLLEEN P. WOODHEAD, Attorney

8 MITZI YOUNG, Attorney

9 of: U.S. Nuclear Regulatory Commission

10 Mail Stop 015-B18

11 Washington, D.C. 20555

12
13 On behalf of Office of Nuclear Reactor Regulation:

14 MARVIN M. MENDONCA

15 of: Office of Nuclear Reactor Regulation

16 Washington, D.C.

17
18 On behalf of the Georgia Institute of Technology:

19 ALFRED L. EVANS, JR., Senior Assistant

20 Attorney General

21 of: Office of the Attorney-General

22 40 Capitol Square

23 Atlanta, Georgia 30334

24
25
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1 APPEARANCES: (CONTINUED)

2

3

On behalf of Georgians Against Nuclear Energy:

4

GLENN CARROLL, Representative of GANE

5

139 King's Highway

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Decatur, Georgia 30030

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

(2:30 p.m.)

1
2
3 CHAIRMAN BECHHOEFER: Good afternoon, Ladies
4 and Gentlemen. This constitutes what amounts to the third
5 prehearing conference, the in-person, live prehearing
6 conference. We've had a few conference calls in addition.
7 This is the third live one in the proceeding concerning
8 Georgia Tech's application to remove its operating license
9 for its research reactor.

10 I assume that everybody here knows the Board,
11 but for identification for the reporters and all that, on
12 my left is Dr. Peter Lam. He is a nuclear engineer. On
13 my right is Dr. Jerry Kline, who is an environmental
14 scientist. My name is Charles Bechhoefer, and I am the
15 Chairman of the Board and I am an attorney.

16 Could -- For the benefit of the reporters,
17 could the parties identify themselves?

18 MS. CARROLL: I'm Glenn Carroll representing
19 GANE, Georgians Against Nuclear Energy.

20 MS. WOODHEAD: My name is Colleen Woodhead. I
21 am counsel for NRC Staff. With me today are Mitzi Young,
22 also from the Office of the General Counsel and Marvin
23 Mendonca from the Office of Nuclear Reactor Regulation.

24 MR. EVANS: Alfred L. Evans, Jr., Senior
25 Assistant Attorney General, representing the Georgia

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1 Institute of Technology.

2 CHAIRMAN BECHHOEFER: The Board envisioned
3 this session as clearing the way certainly for the
4 technical details that we have to go through before we
5 start the evidentiary hearing which is scheduled for
6 Monday, May 20th.

7 I would like to announce first that effective,
8 I believe, tomorrow a local public document room will be
9 established. It's at the Decatur Library in the suburb of
10 Decatur -- I'll find the exact address. Decatur Library,
11 215 Sycamore Street, Decatur, Georgia, 30030 for the zip.
12 The telephone number for the local public document room is
13 area code 404-370-3070. The hours of operation are going
14 to be from nine to five -- No. Nine to nine Monday
15 through Thursday, nine to five on Friday and Saturday, and
16 one to five on Sunday. So it's a location that is going
17 to be open every day of the week. And it will have paper
18 copies of Georgia Tech files since 1985.

19 According to the local public document branch
20 of NRC, the documents were shipped out from Washington to
21 be put in the library on April 22nd. They assume that
22 they will be received by April 24th and it will be open
23 almost immediately after receipt, so the 25th. Some of
24 the older records, such as adjudicatory documents and
25 hearing transcripts were not included in those records.

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1 The local public document branch has made arrangements to
2 get copies of many of those documents from OGC, the
3 General Counsel's office.

4 Anyway, they will be shipped out and fairly
5 soon, as soon as they could get them together, reproduce
6 them and send them down. New material received in the
7 docket is going to be sent to the LPDR each week and the
8 library is also going to be sent a weekly computer
9 printout, an accession list and index that gives the file
10 categories where the new records can be filed. And
11 apparently they also send a User's Guide, an accumulative
12 printout that will serve as an index to the records. So
13 all these things should be in the local public document
14 room shortly. With the adequacy of mail service, it may
15 have a day or two to do with it, but it should be open
16 very shortly.

17 Now, let me give you -- There's a toll free
18 telephone number to Washington in case anybody has any
19 problems using it or finding something. That is
20 800-638-8081. That will be within NRC's normal working
21 hours. Someone should be available.

22 The individual who took care of that list, her
23 name is Jonah Souder, S-o-u-d-e-r, but there are others
24 who could probably help you as well if she is not around.

25 MS. CARROLL: What was that last name again?

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1 CHAIRMAN BECHHOEFER: Souder, S-o-u-d-e-r.
2 But I think she is head of that branch and sometimes she
3 is not available or not around and there are other people
4 there too.

5 The next matter I thought we'd cover is -- I
6 had asked Mr. Evans to find us a place for a limited
7 appearance session on the first Wednesday and potential
8 availability for a follow-up Wednesday, and maybe -- We
9 think that whether we have a second one, a follow-up,
10 would depend on how much interest it appears we're having
11 for that second date, but in any event --

12 MS. CARROLL: Dependent on what?

13 CHAIRMAN BECHHOEFER: It will depend on
14 whether we see enough interest. We are going to have an
15 hour session on the opening day during the day, plus a two
16 hour session from seven to nine on the first Wednesday.
17 Whether we hold the second Wednesday I think should depend
18 on how much interest is shown. We certainly will leave
19 open the time and we will, presumably, have a room -- If
20 we have indications that there -- either people can't be
21 accommodated the first day or if there are significant
22 expressions of interest that they would like to have the
23 second time, we will then hold it.

24 MS. CARROLL: Well, a couple of things don't
25 feel comfortable to me about that, which is, one, people

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1 travel and may only -- someone might want to come that
2 first week but wouldn't be suitable. I would really
3 loathe to turn people away that have come out. You know,
4 like we run out of time or anything. I would argue, you
5 know -- we'll argue accommodating --

6 CHAIRMAN BECHHOEFER: Well, they can write us
7 first and tell us.

8 MS. CARROLL: I think we should establish it
9 now so that people can know about it because if we set it
10 up that Wednesday night there will only be a week to some
11 how or other to let people know of the availability of it,
12 and that doesn't seem suitable to me.

13 CHAIRMAN BECHHOEFER: I would think they could
14 write in advance and say they would like to appear and they
15 can only appear on the second week, for instance, and if
16 there is enough expressions of interest of that sort that
17 would, perhaps, lend us to set the second week.

18 MS. CARROLL: What is the reluctance to have
19 the second one?

20 CHAIRMAN BECHHOEFER: Because it takes time
21 from us when we could be doing what I consider perhaps
22 more important work on hearing matters.

23 MS. CARROLL: Is it possible as we set the
24 schedule today that we'll find out that it is not as tough
25 as we thought and there might be another day time hour or

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1 so we could afford?

2 (The Board confers.)

3 CHAIRMAN BECHHOEFER: Yeah, I don't think we
4 could announce that in advance. It's theoretically
5 feasible to set aside another hour at the outset of one of
6 the other hearing sessions, but I don't think we can
7 announce that before we know that there is significant
8 interest in dates different from the ones we will set
9 definitely.

10 MS. CARROLL: Well, the last time, as I
11 recall, we set two hours and you allowed more like three.

12 CHAIRMAN BECHHOEFER: Well, I'm not saying --

13 MS. CARROLL: And mostly Ms. O'Brien -- and
14 this time we know Ms. O'Brien is going to have, you know,
15 more time than we would give to others, and I think
16 interest was shown previously well before this has gotten
17 as interesting as it is now. We've sat three hours -- We
18 used three hours early in the day, and I think the
19 indication is to set five hours and to spread it out so
20 that people schedule needs -- they'll have a variety of
21 times to choose from. I think that's pretty clear. I
22 believe the interest will be there.

23 (The Board confers.)

24 CHAIRMAN BECHHOEFER: I think we should leave
25 it until the end of the second session to determine how we

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1 will go, what interest is shown in other times. We will
2 set -- We could set a tentative location, or if it
3 appeared that one or two more people wanted to appear
4 during the day, that's fine. We could perhaps set a small
5 amount of time on a given morning. That we could do as
6 well, but I think we should wait to see if the people are
7 interested and can't be accommodated earlier -- the times
8 we are setting explicitly.

9 (The Board confers.)

10 CHAIRMAN BECHHOEFER: We would like to find
11 out whether Mr. Evans has gotten a location for the first
12 Wednesday. The first Monday will be right in the hearing
13 room, which is the Federal Trade Commission. I have asked
14 Mr. Evans to see if he could find a place on the Georgia
15 Tech campus, for the Wednesday at least.

16 MR. EVANS: Can you hear me or should I get up
17 to the podium?

18 CHAIRMAN BECHHOEFER: Why don't you get to the
19 podium.

20 MR. EVANS: I have a little bit of trouble
21 hearing the Court, so --

22 CHAIRMAN BECHHOEFER: I'm sorry.

23 MR. EVANS: I have contacted Gary Wolovick,
24 and I'm sure there is no problem in getting a place for
25 the first Wednesday evening. He has not informed me as to

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1 the precise location at this time.

2 CHAIRMAN BECHHOEFER: I had hoped to put out
3 an order which spelled out the location.

4 MR. EVANS: Well, I would -- Hopefully I could
5 get that by phone to you tomorrow. Unless I could --

6 CHAIRMAN BECHHOEFER: Well, I had hoped to put
7 out an order at the close of the proceedings today.

8 MR. EVANS: Okay, well, it will be on the
9 Georgia Tech campus, but I am not certain where he has it
10 planned.

11 CHAIRMAN BECHHOEFER: Well, we can change our
12 order to say something like on the Georgia Tech campus at
13 a location to be announced in the near future, or
14 something like that.

15 MR. EVANS: That would be safe to say. I
16 think I can get the precise location to you -- I don't
17 know if I could get a hold of Georgia Tech today, but I
18 did discuss it. They have no problem with it, with the
19 idea. I'm just not sure -- Personally I recommended some
20 sort of an auditorium where you could get a maximum number
21 of people in, and I think that's what he will be doing,
22 but I suspect at Georgia Tech they probably have a number
23 of auditor-- Is it auditoria or auditoriums, I'm not
24 certain, but in any event --

25 MS. CARROLL: It's auditoria.

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1 MR. EVANS: But in any event, I know it is all
2 right, but I don't know the particular location on the
3 campus.

4 CHAIRMAN BECHHOEFER: We will put in the order
5 we issue today -- The Federal Register notice will hold up
6 for a day or so I guess because that tells people where to
7 show up. The order we will issue today will just have a
8 general reference. The Federal Register notice which will
9 both announce the evidentiary hearing, it also
10 traditionally sets forth times and places for limited
11 appearances. We'll hold that up a day or so.

12 MR. EVANS: Unless you are willing to have a
13 recess and I can try and call them and find out?

14 CHAIRMAN BECHHOEFER: Well, why don't we wait
15 for a little while. We might have a break in the middle
16 or something like that.

17 MR. EVANS: All right.

18 CHAIRMAN BECHHOEFER: So if we do have time,
19 you could do that, or would it be better to do it earlier
20 on? I was thinking we'd get through some of the details
21 as to the timing of when various witnesses will show up
22 and that type of thing.

23 MR. EVANS: I assumed it was going to be
24 evening, now, because I suspect availability would be a
25 lot easier in the evening.

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1 CHAIRMAN BECHHOEFER: The session is in the
2 evening. We are going to schedule it from seven to nine.

3 MR. EVANS: That's what I thought.

4 CHAIRMAN BECHHOEFER: If possible, we'll stay
5 a little longer if a lot of people show up, but seven to
6 nine will be the schedule.

7 So, if you could do that -- Well, would it be
8 preferable for you to call now or could you wait like a
9 half an hour?

10 MR. EVANS: I can wait a half an hour. It
11 shouldn't matter that much.

12 CHAIRMAN BECHHOEFER: I would like to get into
13 the scheduling of live witnesses.

14 MR. EVANS: If we had a break a half hour down
15 the road, I will call then if I can find a phone.

16 MS. CARROLL: And you will get them to check,
17 even though we don't know if we want it, to see if we
18 could have the room the following week, just in case?

19 MR. EVANS: I believe I mentioned that as a
20 contingency to them.

21 MS. CARROLL: But y'all agree to that
22 contingency, right?

23 CHAIRMAN BECHHOEFER: Yes, depending on
24 expressions of need that we see.

25 MS. CARROLL: So what you are saying is, if

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1 you hear from the citizens that they can't make the ones
2 we've offered and they really hope you'll offer them
3 something else, that would influence your decision-making?

4 CHAIRMAN BECHHOEFER: Yes, it certainly would.

5 MS. CARROLL: And, of course, I understand
6 that people can submit written comments?

7 CHAIRMAN BECHHOEFER: At any time that can be
8 submitted to the secretary. We'll -- I think we proposed
9 to put the addresses in the order.

10 (The Chairman reviews document.)

11 CHAIRMAN BECHHOEFER: We didn't, but -- We
12 could put the official address in the order, the office of
13 the secretary of the Proceedings Branch or wherever you
14 send that.

15 Off the record for a second.

16 (Off the record discussion.)

17 CHAIRMAN BECHHOEFER: Back on the record. I
18 would like to get into both lists and schedules for
19 particularly the witnesses. Now, we've given -- I think
20 all the parties have a list that the Staff prepared for
21 its witnesses. I understand Georgia Tech submitted one as
22 well. We will shortly get to the time schedule, but we
23 would like to get GANE's witnesses -- a list of their
24 witnesses.

25 MS. CARROLL: Dr. Brian Copcutt, John Galloway

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1 --

2 CHAIRMAN BECHHOEFER: Wait, I'm writing it
3 down. Okay, the second one is?

4 MS. CARROLL: John Galloway. Myself, which is
5 Glenn Carroll, for the court reporter. And -- I'm kind of
6 giving them in order. They've given me their schedule
7 restrictions. Bob Boyd -- Probably Robert M. Boyd sounds
8 more formal.

9 CHAIRMAN BECHHOEFER: Robert M.?

10 MS. CARROLL: M. Boyd. And Rebecca Long.

11 CHAIRMAN BECHHOEFER: Is she the one who is
12 referred to in the reports as -- I guess A.R. Long?

13 MS. CARROLL: I believe so. That's right.

14 CHAIRMAN BECHHOEFER: Does the Staff know
15 whether she prefers to be referred to that way?

16 MS. WOODHEAD: I have no idea, Your Honor.

17 MS. CARROLL: She answers the phone Becky.

18 CHAIRMAN BECHHOEFER: What?

19 MS. CARROLL: She says, "Becky Long" on the
20 telephone.

21 CHAIRMAN BECHHOEFER: Probably in the
22 scheduling order we will put A.R. Long.

23 MS. CARROLL: Okay. And probably Boyd should
24 be R.M. Boyd.

25 CHAIRMAN BECHHOEFER: Well, it doesn't have to

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1 be consistent.

2 MS. CARROLL: I saw his name as R.M. Boyd in
3 almost everything. I think it is Brian L. Copcutt. I
4 think we'll just go with John Galloway and Glenn Carroll.

5 CHAIRMAN BECHHOEFER: That's okay. This is
6 just for identification purposes anyway. So would you
7 prefer R.M. Boyd?

8 MS. CARROLL: Yes.

9 CHAIRMAN BECHHOEFER: Now, it is, I think,
10 appropriate to find some time schedules to set for each of
11 these. Now, I don't know precisely how long the testimony
12 or the cross examination will be, but if we could have a
13 target time. I understand -- I would guess Dr. Copcutt
14 would be the primary one to fit in a convenient schedule
15 for.

16 MS. CARROLL: Well, we had worked this out on
17 the terms of his plane ticket. So I think y'all can
18 accommodate us.

19 CHAIRMAN BECHHOEFER: Yes, we will, but I
20 would like to say that I passed the word along to Mr. Turk
21 that he should call you and tell you, you could take
22 advantages of -- There was an ongoing fare war which ended
23 the 15th, I think it is.

24 MS. CARROLL: Well, 767 doesn't sound like we
25 did that good, huh? Seven hundred sixty-seven dollars.

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1 CHAIRMAN BECHHOEFER: No, I thought you could
2 have gotten it for about 400 --

3 MS. CARROLL: Oh, well.

4 CHAIRMAN BECHHOEFER: -- if you'd done it
5 before the 15th. That's why I passed the word along.

6 MS. CARROLL: I think we got it on the 19th.
7 It was some time that week. That was tax week. That was
8 a strenuous week. Well, he was very clear on this, not
9 wanting to miss very much work, and as I understand it,
10 Monday morning we will have some housekeeping stuff or
11 pre-set stuff and we'll introduce ourselves and talk
12 something about it and then there will be the limited
13 public appearance, so -- Anyway, Monday, and if we have to
14 rollover into Tuesday, we can. He's leaving Tuesday
15 afternoon, and of course, I hope that the NRC can also
16 contribute -- I have no idea at all how long of time we
17 should allot.

18 So, with your depositions you've gotten some
19 idea of how long you think you'll need to cross examine
20 and all.

21 CHAIRMAN BECHHOEFER: If we set aside all day
22 Monday after the opening preliminary things, plus all day
23 Tuesday until we are through?

24 MS. CARROLL: I don't know what time his
25 flight leaves on Tuesday. He definitely wanted to be at

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1 work on Wednesday.

2 CHAIRMAN BECHHOEFER: I see.

3 MS. WOODHEAD: Judge Bechhoefer, excuse me.
4 Can I bring up a matter before we go further on
5 scheduling? I believe you are aware that the Staff has
6 deposed Ms. Carroll, Mr. Galloway and there is an unusual
7 situation with Inspector Long from Region II, and if I
8 could address these as matters we are concerned about
9 before we can talk about scheduling, it might alter the
10 schedule dramatically.

11 If I may, I would like to bring up with the
12 Board that in the deposition of Ms. Carroll and Mr.
13 Galloway both freely admitted they had no personal
14 knowledge of matters concerning the Neely Nuclear Research
15 Center, the Georgia Tech Research Reactor. This, of
16 course, would prohibit them from being witnesses to a fact
17 to which they have no knowledge of.

18 Ms. Carroll freely admitted that her knowledge
19 was gained from documents which she wanted to discuss, but
20 as far as there being any personal knowledge on her part
21 of circumstances or matters at the facility itself, she
22 has none.

23 Mr. Galloway also freely admitted he had no
24 personal knowledge. The only testimony he wishes to
25 present to the Board is conversation he had with a couple

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1 of members of the Georgia Tech campus police concerning
2 the matter in which Georgia Tech responds to alarms at the
3 facility, which, of course, is not even relevant to the
4 management contention, but secondarily, it is hearsay and
5 he freely admitted -- Mr. Galloway freely admitted he had
6 no knowledge of emergency plan regulations or the
7 emergency plan at the facility.

8 So I would propose that it might be most
9 appropriate for Ms. Carroll and Mr. Galloway to make
10 limited appearances in which case they can give their
11 personal opinions of the documents they've read and the
12 conversations Mr. Galloway had before the Board, but the
13 testimony that they propose, the Staff submits is not
14 admissible since they have no personal knowledge and they
15 have no expertise concerning reactors and regulations or
16 things concerning reactors. So, I would like to suggest
17 that Ms. Galloway -- Excuse me, Glenn -- Ms. Carroll and
18 Mr. Galloway make limited appearances and withdraw their
19 names as witnesses at the hearing.

20 CHAIRMAN BECHHOEFER: Well, can we really tell
21 until we've seen the testimony -- the testimony they file?

22 MS. WOODHEAD: Yes, sir. We deposed Ms.
23 Carroll for all -- about eight hours. I know she was worn
24 out at the end of the day, and we asked her specifically
25 question by question by question if she knew of any facts

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1 or circumstance personally concerning the Neely Nuclear
2 Center and she stated no time and time again.

3 We asked her if she had any knowledge of
4 nuclear physics, any knowledge of nuclear engineering, any
5 knowledge of management principles or any experience along
6 that line, and her answer for the entire day to very
7 tedious, time-consuming multiple questions was that she
8 had no knowledge of anything at the Nuclear Center
9 herself, no personal knowledge and she has no expertise
10 concerning nuclear reactor technology or nuclear
11 engineering.

12 MS. CARROLL: However, they did not ask me if
13 I knew anything about participating in democracy or
14 participating in this process or using public document
15 rooms to review documents that are available to citizens
16 where we may participate with our regulators that regulate
17 a dangerous industry to see if the public is safe, and
18 after the entire day --

19 (The Board confers.)

20 CHAIRMAN BECHHOEFER: The Board sees a couple
21 of reasons why Ms. Carroll should be permitted to testify.
22 The various statements about her not knowing or having any
23 factual knowledge, if that's the case, should be submitted
24 under oath, and that we don't have. In addition, she has
25 -- I can almost assume she has personal knowledge of how

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1 she made that tape, the video tape because she did it, and
2 if she wants to introduce it, she is the best person to do
3 that.

4 MS. WOODHEAD: I'm sorry, I don't know what
5 video tape you are referring to.

6 CHAIRMAN BECHHOEFER: Well, she sent copies to
7 every member of the Board plus the parties. It's the Fox
8 tape on --

9 MS. CARROLL: A Current Affair.

10 CHAIRMAN BECHHOEFER: Well, it was the Fox
11 tape that showed nobody around when Fox kind of walked
12 through the halls and that kind of thing, and that's
13 certainly relevant to the degree you'd need to get it into
14 evidence. She is the only one who can testify how that
15 tape was made. So that is clearly a factual matter. I
16 don't know about other things. I think we should wait
17 until we see the testimony, which I guess is going to be
18 filed in about a week or less.

19 MS. WOODHEAD: Judge Bechhoefer, may --

20 CHAIRMAN BECHHOEFER: I think we should just
21 hold that. I think it is premature for us to take any
22 action on her testimony at least.

23 MS. WOODHEAD: May I address --

24 ADMINISTRATIVE JUDGE LAM: Other than that, I
25 think Ms. Carroll probably would not qualify as an expert

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1 witness. I tend to agree with Staff counsel on that
2 point.

3 CHAIRMAN BECHHOEFER: Well, I was expressing
4 no opinion one way or the other about her being an expert,
5 but I was addressing purely factual matters we have before
6 us.

7 MS. WOODHEAD: Well, the Staff would be
8 prepared to file a motion and give you documentary
9 evidence of that. So we will do that in the future, but
10 may I go now to Inspector Long at Region II?

11 CHAIRMAN BECHHOEFER: Yes.

12 MS. WOODHEAD: Let me back up a moment and say
13 we have not seen any indication that Ms. Carroll has filed
14 motions asking the Board to issue subpoenas for her
15 witnesses.

16 CHAIRMAN BECHHOEFER: She's requested us, and
17 I'm not sure we can issue a subpoena for Ms. Long. We can
18 direct the Staff, since she is a staff member, even though
19 not representing the staff, we can direct the Staff to
20 produce her and make her available, section 2.720, I think
21 it is.

22 MS. WOODHEAD: That is precisely why I am
23 bringing up Ms. Long because 2.710(h)(2)(i) prohibits the
24 issuance of subpoenas for staff witnesses unless they have
25 personal knowledge of a material fact not provided by the

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1 staff witnesses proposed by the Executive Director for
2 Operations.

3 CHAIRMAN BECHHOEFER: We would make a finding
4 that she does based on what we've been told in the past.

5 MS. WOODHEAD: Mr. Gibson, who is on Panel A
6 of the Staff, as indicated on your list of witnesses, has
7 personal knowledge of the complaint by Inspector Long
8 concerning Inspection Report 87-01 and has incorporated in
9 his testimony his personal knowledge of it.

10 (The Board confers.)

11 CHAIRMAN BECHHOEFER: The Board believes that
12 a potentially different view of something is personal
13 knowledge and the best witness of that is the person who
14 has the different view, different professional opinion, if
15 you will. So, we would not think that any substitute who
16 might have been there at the time or who may or may not
17 adhered to the views expressed by Ms. Long, which we were
18 told she expressed -- We are not personally aware of it,
19 but we were told by GANE that she had different views, and
20 we would accept that.

21 MS. WOODHEAD: Judge Bechhoefer, a witness who
22 has personal knowledge of a material fact could be
23 subpoenaed from the staff. Ms. Long's view of whether or
24 not her inspection report was handled correctly is her
25 opinion, is not a material fact concerning the management

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1 at the Georgia Tech Research Reactor.

2 CHAIRMAN BECHHOEFER: We would differ with you
3 on that.

4 MS. WOODHEAD: But, Judge Bechhoefer, GANE has
5 --

6 CHAIRMAN BECHHOEFER: And in any event, the
7 rule does prohibit subpoenas. We couldn't subpoena her.
8 We would make a finding, as the rule says, that her
9 appearance -- I wrote it down here someplace -- (Pause) --
10 It's under 10 CFR 2.720(h)(2). We are permitted to find
11 that exceptional circumstances exist with respect to Ms.
12 Long, and we can hereby require the attendance and
13 testimony of that witness. That is the explicit words
14 from the rule, the actual rule. I have the rule with me
15 as well.

16 MS. WOODHEAD: I believe this is the part of
17 the rule that is speaking to subpoenas.

18 CHAIRMAN BECHHOEFER: It is, and it says no
19 subpoenas.

20 MS. WOODHEAD: That's right.

21 CHAIRMAN BECHHOEFER: But it says, direct the
22 Staff to produce this witness. We will so do. We are not
23 going to preclude the witness proffered by the Staff of
24 giving his view of the circumstances, but his view of the
25 circumstances and Ms. Long's view might be significantly

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1 different. We think they probably would be.

2 MS. WOODHEAD: Well, has the Board already
3 made a conclusion on that part, or is it the burden of
4 GANE to make that showing?

5 CHAIRMAN BECHHOEFER: Well, GANE has already
6 told us in her submission in response to Staff discovery
7 that -- I believe that's where it was, but GANE has
8 earlier spelled out why Ms. Long's views are different
9 from the Staff's views.

10 MS. WOODHEAD: Her opinions may be different,
11 but that's not a material fact, and certainly --

12 CHAIRMAN BECHHOEFER: Well, we disagree on
13 that. We think her opinions may well be a material fact.

14 MS. WOODHEAD: Secondly, Judge Bechhoefer, the
15 discovery was in response to the Staff discovery. It was
16 not properly an argument before the Board. The Staff has
17 had no chance to consider Ms. GANE's (sic) discovery
18 response as a motion to the Board for a subpoena. I think
19 the Staff is entitled to present its views.

20 CHAIRMAN BECHHOEFER: Well, you are free to
21 present your view right now, if you wish, but we have been
22 told that her views are different, and we have tentatively
23 decided that that's enough to justify our directing the
24 Staff to make her available.

25 MS. WOODHEAD: But, Judge Bechhoefer, isn't

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1 that in the nature of an ex parte communication? If you
2 were using a discovery --

3 CHAIRMAN BECHHOEFER: Not ex parte because you
4 were given a copy. So -- And so was the applicant.

5 MS. WOODHEAD: If you are interpreting her
6 discovery response to be a motion for a subpoena, that is
7 entirely outside the rules of practice. A motion for
8 subpoena is --

9 CHAIRMAN BECHHOEFER: I beg to differ. One
10 thing she has said -- one or the other of our prehearing -
11 - not prehearing conferences, but the telephone
12 conferences -- that she desired to have Ms. Long as a
13 witness. We had a lengthy prehearing telephone
14 conference. I could look it up. I'm not sure whether my
15 order identified that or not, but I think it did. Ms.
16 Long is identified as a witness with differing views from
17 the to the Staff. She has identified certain events that
18 Ms. Long participated in. We regard that as sufficient to
19 at least constitute a request for Ms. Long. You never
20 file a subpoena request because the rule says you don't
21 issue subpoenas against Staff witnesses. So it is a
22 question whether -- We wouldn't issue a subpoena as long
23 as we wouldn't have to. Just direct the Staff to produce
24 her, make her available.

25 MS. WOODHEAD: Judge Bechhoefer, I believe

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1 that you are using her allegations on the telephone
2 conferences and the responses to discovery as sufficient
3 reason to issue a subpoena to the Staff witness, and I do
4 believe this is a rule that discusses the propriety and
5 the situations where the Board is empowered to issue a
6 subpoena to the Staff. I believe that is what this rule
7 addresses.

8 CHAIRMAN BECHHOEFER: That's not what it says.

9 MS. WOODHEAD: And I believe --

10 CHAIRMAN BECHHOEFER: That's not what it says.

11 MS. WOODHEAD: I believe that a mere
12 allegation by Ms. GANE (sic) that she needs some member of
13 the NRC staff at the hearing is not sufficient to provide
14 the Board a basis to issue it. The rule is pretty clear
15 as to what the circumstance is when the NRC staff may be
16 subpoena by a non-party and brought to the hearing who has
17 not been approved or submitted by the Executive Director
18 for Operations, and it must be some personal knowledge of
19 a material fact in the proceeding not known to those
20 witnesses provided by the EDO. Ms. Carroll has done
21 nothing more than make a mere allegation. She is giving
22 you no evidence that Ms. Long has personal knowledge that
23 is unknown to the Staff witnesses on the matter.

24 (The Board confers.)

25 MS. CARROLL: I think it is pretty clear from

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1 Ms. Long's public trial that it's very unlikely that
2 representatives on Panel A would express her view. I
3 mean, it won't come out unless Ms. Long presents it, and
4 if it is not factual, she's guilty of perjury and it is
5 not likely that she would do that.

6 MS. WOODHEAD: However, Ms. Long's suit
7 against Region II involved a sexual discrimination
8 complaint, which is not relevant to Georgia Tech's
9 reactor.

10 MS. CARROLL: It involved Georgia Tech issues
11 in making my case, and that's the only part of the case --
12 We don't care -- Well, I do care, but it's not relevant
13 how much money she made. It is relevant what went down at
14 Georgia Tech and whether her -- whether all the facts are
15 in the public record of what happened there, and that is
16 relevant on two levels, to me. Whether Georgia Tech is
17 properly managed and whether the NRC properly manages the
18 situations at Georgia Tech. The public needs that place
19 to be managed.

20 (The Board confers.)

21 CHAIRMAN BECHHOEFER: The Board has reviewed
22 the section of the regulation that is applicable here. It
23 is the same one that has been referenced, but it says that
24 the presiding officer, that's us, may upon a showing of
25 exceptional circumstances -- that's right from the rule --

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1 then it says, such as, and such as is exclusively. It
2 says, such as a case in which a particular named NRC
3 employee has direct personal knowledge of a material fact
4 unknown to the witnesses made available by the Executive
5 Director, may require the attendance and testimony of
6 named NRC personnel. We can't issue subpoenas to them,
7 but we can require their attendance.

8 We believe that exceptional circumstances do
9 exist based on different views, and we do not believe that
10 those views can be expressed adequately by the Staff
11 witnesses.

12 MS. WOODHEAD: Upon what basis do you find one
13 way or the other? Staff is unaware of any evidence that
14 GANE has given --

15 CHAIRMAN BECHHOEFER: I'm aware this is not
16 one of the criteria. For one thing, this is such as. We
17 do not think that a side witness, not the person herself,
18 can explain that person's reasons adequately for differing
19 with the Staff, and the Staff has got a very definite
20 position and this witness has, apparently, a somewhat
21 different position and we think she should be allowed to
22 testify for herself, and we think a differing opinion is
23 close enough to a differing fact -- This rule doesn't
24 require that only one circumstance be taken into account.
25 It's a such as. We think --

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1 MS. WOODHEAD: I understand that.

2 CHAIRMAN BECHHOEFER: -- the circumstances of
3 this case are sufficient to have us require the attendance
4 of testimony of this particular Staff witness.

5 MS. WOODHEAD: I would ask the Board to please
6 explain to the Staff for future reference the Board's
7 basis that the Board believes GANE has provided that would
8 invoke this particular section of 2.270(h)(2)(i) that
9 would allow the Board to subpoena a Staff witness.

10 (The Board confers.)

11 CHAIRMAN BECHHOEFER: The Board believes that
12 it has already explained adequately its basis. It's in
13 the record. I just read it out five minutes ago.

14 MS. WOODHEAD: No, sir, I am talking about the
15 basis that GANE has given you to make you believe that Ms.
16 Long has personal knowledge of a fact unknown to the Staff
17 witnesses? That's what I am asking the Board to set out.

18 (The Board confers.)

19 CHAIRMAN BECHHOEFER: I was checking to see
20 whether I had mentioned it exclusively in any of our
21 orders. I didn't. I believe it arose during the
22 conference call of March 20th where we talked about
23 Rebecca Long documents, but that's just my recollection.
24 I didn't put it in the order. I was just checking.
25 Anyway, it was the telephone statements, during either

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1 that conference call or the previous one. I'm not sure.

2 MS. CARROLL: I think it was the previous one.

3 CHAIRMAN BECHHOEFER: It might have been the
4 previous one.

5 MS. CARROLL: That marathon one, the one that
6 went to like seven o'clock at night. I think we discussed
7 it during that.

8 CHAIRMAN BECHHOEFER: I believe so. Well, one
9 or the other. So we do remember that the statement was
10 made about the differing views of Ms. Long and those
11 statements are the basis for our -- for Ms. Long to -- for
12 directing the Staff to produce Ms. Long as a witness.

13 MS. WOODHEAD: Judge Bechhoefer --

14 CHAIRMAN BECHHOEFER: Not as a Staff witness.
15 She will appear as a GANE witness.

16 MS. WOODHEAD: Judge Bechhoefer, you do
17 realize you will have to issue her a subpoena and I'm
18 asking you --

19 CHAIRMAN BECHHOEFER: No, no, no. I read to
20 you -- What I read, the rules do not permit a subpoena.

21 MS. WOODHEAD: No, sir. I believe --

22 CHAIRMAN BECHHOEFER: We have so ruled. Read
23 the rule. I just read it on the record. It does not
24 permit subpoenas to staff members. All we have to do is
25 issue a statement that will require the production for the

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1 reasons stated of the staff witness. We are not allowed
2 to issue a subpoena to a staff member. It says so in so
3 many words, in what I read on the record five minutes ago.
4 Again, it is in the -- It's at 2.720(h)(2)(i).

5 MS. WOODHEAD: Yes, Judge Bechhoefer, but you
6 misunderstand me. I'm asking you to issue an order that
7 explains the basis for your direction, whether you call it
8 subpoena or just an order, the basis for -- the factual
9 basis so that we may see it in writing because we don't
10 really understand that there has been a sufficient showing
11 my GANE to invoke this section of the rule.

12 CHAIRMAN BECHHOEFER: Well, we will mention
13 it, but I'm not sure we will explain it to the Staff's
14 satisfaction, but we are making that finding in any event.

15 MS. WOODHEAD: No, I mean, would you issue an
16 order that explains that to --

17 CHAIRMAN BECHHOEFER: We are going to issue an
18 order, on the spot, but whether it is going to have an
19 adequate explanation, I don't know.

20 MS. WOODHEAD: All right.

21 CHAIRMAN BECHHOEFER: We will enter advisement
22 right after the close of the proceeding and hopefully
23 issue it in fifteen minutes or so.

24 MS. WOODHEAD: Okay. Why don't we continue
25 with the scheduling then.

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1 CHAIRMAN BECHHOEFER: Then we can pass out the
2 thing on the spot, but we'll see. We will put something
3 in there on it.

4 MS. WOODHEAD: Thank you.

5 CHAIRMAN BECHHOEFER: We would like to get on
6 to explicit scheduling now.

7 MS. CARROLL: Well, Dr. Copcutt said his
8 deposition lasted approximately three or four hours. So I
9 thought we probably could finish with him within Monday
10 afternoon and Tuesday morning so that he can catch that
11 plane Tuesday afternoon, and I suppose we could reschedule
12 it if we can't get through but he will be our first
13 witness.

14 CHAIRMAN BECHHOEFER: Okay. Let's set aside
15 Monday, the 20th and Tuesday morning, the 21st.

16 MS. CARROLL: John Galloway has a fairly new
17 job. He's in a -- I forget what you call this, but he
18 goes to school one quarter and he works on quarter and
19 he's just started this a couple of weeks ago, and this
20 deposition lasted two hours and as Ms. Woodhead just said,
21 it's pretty simply, what he's got to contribute. He's
22 talked to the campus police a few times. He'll tell that.
23 I don't think it will take long. He thought Tuesday
24 afternoon would be the best day of the week for him, and
25 an afternoon would be better than a morning.

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1 (The Board confers.)

2 CHAIRMAN BECHHOEFER: Okay. Let's schedule
3 Mr. Galloway for late Tuesday afternoon. I can't tell you
4 exactly what time. We're going to make sure we finish
5 with Dr. Copcutt first. So it will be late Tuesday
6 afternoon. I guess if worse comes to worse, we can run
7 late if we have to. We are trying to, by the way, finish
8 -- We will try to finish by five o'clock everyday.
9 Whether that will always be successful, I don't know.

10 MS. CARROLL: I believe everybody understands
11 there is no way to say exactly when we begin and exactly
12 when we finish. I think they, you know, understand some
13 flexibility is going to be required. Now, Bob Boyd will
14 be training at Emory that week, but feels that Thursday is
15 a good day when there is a lot of testing going on and he
16 wouldn't have to be there. So he requested Thursday.

17 Now, his deposition lasted longer than a day.
18 Staff may have some input that they think one day will
19 accommodate him. From my sense of it, even though he is a
20 hostile witness, his knowledge of the situation up until
21 the late '80s is quite extensive, and his opinions are
22 also quite extensive. So I guess it would take the better
23 part of the day for him.

24 CHAIRMAN BECHHOEFER: And he would like to be
25 there all day Thursday.

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1 MS. CARROLL: Well, you know, as long as it
2 takes, but Thursday. The beginning of the week would be
3 impossible for him. He waffled between Thursday and
4 Friday and went with Thursday. So I suppose if we didn't
5 finish with him, he would be available to finish up Friday
6 morning. I suppose contiguous testimony is the ideal --

7 CHAIRMAN BECHHOEFER: It's preferable. It's
8 not always essential, but it is very preferable.

9 MS. CARROLL: Now, I called Ms. Long today.
10 She said -- She started out -- Well, by this time I had
11 Wednesday and Friday left and she said they were both
12 about the same and then said Friday would be better for
13 her. I don't know, but my sense is she has possibly quite
14 a bit to say. I have not seen documents yet. We haven't
15 worked out the protective order. So, I don't know much
16 more than what was public to begin with, but I imagine she
17 can be contained on that Friday. She's available -- She's
18 in town both weeks, so, you know, she is available at all
19 times.

20 CHAIRMAN BECHHOEFER: So then you would
21 testify on Wednesday because Wednesday is open at the
22 moment.

23 MS. CARROLL: I know there is one -- I can't
24 remember what it was, but I know Mr. Turk said there was
25 one witness that would not be in town, and I think it is

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1 Mr. Mendonca, perhaps, the second week.

2 MR. MENDONCA: No, it's Fredrickson.

3 MS. WOODHEAD: No, we had one staff witness on
4 Panel A that cannot be here the second week. So we
5 request that Panel A be permitted to testify the first
6 week. However, Judge Bechhoefer, I think we've taken up
7 much more time with GANE than is necessary here because
8 Ms. Carroll is anticipating things according to
9 depositions, which are much longer than testimony, and I
10 wonder if Ms. Carroll could let us know how much time she
11 thinks she will take to question Dr. Copcutt, and how long
12 her testimony would take to give on direct, things like
13 this because we have a pretty good idea how much time
14 cross examination will take and our question really is how
15 much time her direct questioning will take for the
16 different --

17 MR. EVANS: Point of order, isn't that in
18 writing?

19 MS. CARROLL: I'm sorry, what?

20 MS. WOODHEAD: She does, yes. Ms. Carroll and
21 Mr. Galloway have to prefile.

22 CHAIRMAN BECHHOEFER: Yes, they are prefiling.
23 But we will have Dr. Copcutt --

24 MS. WOODHEAD: Dr. Copcutt and Mr. Boyd are
25 not required or Ms. Long. Right. So, we don't have an

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1 idea of how long the direct testimony might take as Ms.
2 Carroll asks them questions.

3 MS. CARROLL: I'll make a stab at it, since
4 I'm an artist and I've never been through a process like
5 this before, I have a hard time picturing John Galloway
6 giving his -- Well, his will be prefiled, so I suppose
7 he'll only get roasted on the stand by you guys, as well
8 as will I.

9 CHAIRMAN BECHHOEFER: Well, if Mr. Galloway
10 finishes before the end of Tuesday, could you start
11 Tuesday?

12 MS. CARROLL: I could. Mine won't take hardly
13 any time.

14 CHAIRMAN BECHHOEFER: Or alternatively --

15 MS. CARROLL: Panel A might can share the day
16 with me. I probably think we ought to --

17 CHAIRMAN BECHHOEFER: Ms. Carroll,
18 alternatively could we schedule that Wednesday solely for
19 Mr. Mendonca?

20 MR. MENDONCA: Mr. Fredrickson, sir.

21 CHAIRMAN BECHHOEFER: Pardon?

22 MR. MENDONCA: It's Mr. Fredrickson's panel,
23 Panel A is involved. I'm not on that panel, sir.

24 CHAIRMAN BECHHOEFER: I heard a request that
25 you would like to appear the first week.

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1 MS. WOODHEAD: No, sir, it is Panel A.

2 MS. CARROLL: I was wrong.

3 CHAIRMAN BECHHOEFER: Oh, I'm sorry. I
4 misunderstood. I thought it was you. I'm sorry.

5 MS. CARROLL: How long will Panel A be?

6 MS. WOODHEAD: Well, it's prefiled testimony,
7 so the only question is how long will your cross
8 examination be?

9 MS. CARROLL: I probably won't muster as much
10 as y'all can. I mean, I don't think I could ask eight
11 hours worth of questions of the man.

12 MS. WOODHEAD: That's my point. Our
13 depositions are not really a good bases to transfer into
14 cross examination or for those who won't file testimony,
15 also direct and cross, because I think our cross
16 examination for Dr. Copcutt will be very short. Now, you
17 can ask Mr. Evans, but I know as far as the Staff goes, I
18 think our cross examination for Dr. Copcutt, Ms. Carroll
19 and Mr. Galloway and Ms. Long will be very short. It will
20 not be lengthy for any of those witnesses. The unknown
21 quantity is the witnesses who are not prefiling testimony
22 and I believe Ms. Carroll just stated she didn't think she
23 would take a long time to question Dr. Copcutt, Mr. Boyd
24 and Ms. Long.

25 MS. CARROLL: Well, actually I didn't say

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1 that. Okay. First of all, not having seen the prefiled
2 testimony, as you have not either, I don't have a clue
3 what Panel A is going to say. So I just don't know how --

4 CHAIRMAN BECHHOEFER: I assume Panel A will
5 talk about some of the early events.

6 MS. CARROLL: I noticed all their documents
7 are early.

8 CHAIRMAN BECHHOEFER: Now, we are not allowed
9 to re-litigate the early events, but we are allowed to put
10 them on the record and then whatever detail is needed for
11 background, certainly. So there will be a lot of material
12 in that. How long it will take to litigate, I can't
13 really say.

14 MS. CARROLL: Well, let me put it this way.
15 I'm just going to do my best to bring out the story as I
16 understand it, and I believe that the significant
17 witnesses, former employees and inspectors, Boyd, Copcutt
18 and Long, I believe they have a lot to say, and I think
19 Copcutt's time there was very short, so how much could he
20 have?

21 He probably can be contained within Monday
22 afternoon. I think that, hey, if we finish with Mr. Boyd
23 and Ms. Long and we go home early, is that bad? What I
24 am hearing is that Copcutt probably won't flow over to
25 Tuesday. I could probably do Tuesday morning and have

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1 John Galloway Tuesday afternoon, even -- We might could
2 start the panel in the gap between the two and finish the
3 panel on Wednesday. I don't know what their testimony is,
4 so I imagine I'm going to have quite a few questions that
5 will be designed to show either gaps or -- I don't know.
6 I'll have to take it as it comes.

7 CHAIRMAN BECHHOEFER: Well, is Panel A, if we
8 started them on Wednesday and didn't finish, can they
9 reappear at any time or what?

10 MS. WOODHEAD: Panel A is available the first
11 week. They are just not available the second week.

12 CHAIRMAN BECHHOEFER: I see. Okay.

13 MS. CARROLL: See, since my testimony is
14 prefiled and they say they have short cross examination,
15 and the same with John, it seems like we could either put
16 the -- Well, I'm just thinking.

17 I know we want John to be able to work as much
18 as possible that day and come down pretty late. It sounds
19 like we can get him to come down about four and that would
20 work. And I just don't know quite how to do that. I
21 mean, we could work with him at four. We could put the
22 panel on earlier that day and expect to finish, I guess.

23 If you need the next day, it doesn't look like
24 I'll need a whole day, especially since I don't get to say
25 my peace and I'm going to have to let the public and press

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1 read it, which seems like a -- I've already said that
2 doesn't seem right at a hearing, but since Boyd needs to
3 be Thursday, and I think it would also be desirable to
4 have GANE's witnesses fairly contiguous, we could either -
5 - I feel like we've got some time on Tuesday to put Glenn
6 and John on, we have some time. And Wednesday is open at
7 this point. I'd like to honor the other witnesses'
8 requests, so that pretty much takes up Monday, Thursday
9 and Friday.

10 (The Board confers.)

11 (Ms. Carroll and Ms. Woodhead confer.)

12 CHAIRMAN BECHHOEFER: Well, we could put the
13 Staff on on Wednesday. We're not sure we could finish
14 Wednesday, but we could try anyway -- Panel A.

15 MR. EVANS: If it please the panel, I'm lost
16 on a point here. I thought it was required for all the
17 direct testimony of the witnesses to be put in in written
18 form. Why are we talking about --

19 CHAIRMAN BECHHOEFER: Because we have ruled
20 previously that we could make an exception and we did for
21 several witnesses.

22 MR. EVANS: May I know for who?

23 MS. CARROLL: The subpoenaed witnesses.

24 CHAIRMAN BECHHOEFER: Dr. Copcutt, Mr. Boyd,
25 and Ms. Long.

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1 MR. EVANS: In other words, the only two that
2 have to put in written testimony are Glenn Carroll and Mr.
3 Galloway?

4 MS. CARROLL: Right.

5 CHAIRMAN BECHHOEFER: That's correct.

6 MS. CARROLL: The others are hostile
7 witnesses. They know about it, but they don't really care
8 to appear friendly to GANE because they are pro-nuclear,
9 basically.

10 MR. EVANS: She is calling them as direct
11 witnesses for her side of the case. I just happen to
12 think it is unfair that we have to put in ours in writing
13 and she doesn't. That means I have less chance to develop
14 cross examine (sic).

15 CHAIRMAN BECHHOEFER: Well, we will give
16 adequate time for cross examination. In fact, we'll even
17 allow -- We'll allow some time after direct, if desired,
18 for parties to determine what their cross examination
19 should be. Not days, but I mean minutes or maybe hours,
20 depending on what the time limit is, and the Applicant and
21 Staff have taken depositions of these people, so they
22 should have some idea of what they are going to say with
23 regard to how much time they will need.

24 MS. CARROLL: Y'all know more about what
25 they've got to say than I do, I think, since we couldn't

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1 afford depositions.

2 CHAIRMAN BECHHOEFER: So all the scheduling is
3 tentative, if the parties need more time, except perhaps
4 for Dr. Copcutt, who has got to come from a long distance,
5 perhaps we could make arrangements for other weeks if
6 necessary. It might be that the Staff Panel doesn't get
7 through on Wednesday, we carry it over to the third week,
if necessary. It's potentially possible.

9 MS. WOODHEAD: I believe that there is going
10 to be less need for time than we anticipated, and I'd like
11 to propose to the Board and parties this possibility.
12 That Dr. Copcutt be the first witness on Monday afternoon,
13 the 20th. That's when we will begin the hearings. The
14 morning will be taken up with other matters.

15 CHAIRMAN BECHHOEFER: Well, it's possible that
16 maybe by 11:00 -- We might get an hour's worth of the
17 morning. You can never tell.

18 MS. WOODHEAD: At any rate, Dr. Copcutt would
19 appear whenever we began the hearing on Monday.

20 CHAIRMAN BECHHOEFER: That's correct.

21 MS. WOODHEAD: And allow any extra time
22 necessary for him Tuesday morning since he does need to
23 get his plane. And then have Ms. Carroll prepared to go
24 immediately after his testimony and cross examination is
25 completed and reserve an hour at the end of Tuesday, May

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1 25th (sic), for Mr. Galloway because he has a very short
2 testimony --

3 MS. CARROLL: Did you say the 21st?

4 MS. WOODHEAD: Yes.

5 CHAIRMAN BECHHOEFER: I think we mentioned
6 that was the schedule we would follow. We were really
7 trying to figure out what happens on Wednesday.

8 MS. WOODHEAD: And Wednesday, the Staff Panel
9 A could be presented and it may be that Panel B -- it
10 depends on Ms. Carroll's cross examination, the length of
11 her cross examination -- I doubt that she is going to have
12 a whole morning of cross examination, but she's --

13 CHAIRMAN BECHHOEFER: Well, I presume that
14 Panel A is going to be used to introduce, if they haven't
15 already, documents. I haven't looked at the list. And I
16 would assume that even if they, themselves, don't
17 introduce them, Ms. Carroll will likely introduce any
18 inspection report she finds necessary for her case through
19 those witnesses. I'm not sure about that, but I would
20 guess that that might taken some time, although we are
21 going to urge you later on today to try to reach some
22 agreement as to what documents could go in and what there
23 will be some opposition to.

24 MS. WOODHEAD: Well, for the moment though,
25 just scheduling witnesses, you are indeed right. Panel A

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1 deals with the history of the reactor of 1987 and '88, and
2 I doubt that Ms. Carroll is going to have a lengthy cross
3 examination on that --

4 MS. CARROLL: I just don't know.

5 MS. WOODHEAD: -- but she can't tell that
6 until she gets the testimony. So, given the possibility
7 that we might be through -- or she might be through with
8 Panel A by noon on the 21st, then that would give us the
9 possibility of Panel B on the afternoon of the 22nd -- I'm
10 sorry, Panel A on the morning of the 22nd. Panel B, the
11 afternoon of the 22nd, which, of course, might have to be
12 modified, but this is a proposal.

13 MS. CARROLL: Something else that occurs to
14 me, I guess we are all assuming we will leave Thursday for
15 Boyd, Friday for Long. Is -- I believe Galloway would be
16 open to taking the whole afternoon off, but we could try
17 to schedule -- wrap up Copcutt, if necessary, put me on,
18 put him on, just go boom, boom, boom, and then start with
19 Panel A and use the rest of Tuesday. I think Mr. Galloway
20 would be okay with that. I think he just wanted it to be
21 a half day off work.

22 So -- I would be uncomfortable with starting
23 with Panel B and not finishing and waiting, you know, a
24 week, to get back to Panel B. That doesn't feel
25 comfortable. Is Panel C, since it only has two people

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1 instead of three -- I just don't know.

2 CHAIRMAN BECHHOEFER: I might add that the
3 Board will have some questions for Panel A, as well as B
4 and C, but I don't -- to the extent that Ms. Carroll may
5 not ask very many questions, we may. I'm not saying we
6 will, but we may. I've got a few to ask one or two of the
7 witnesses just from half looking at background documents
8 referenced to us already without even knowing what their
9 testimony is going to say. Maybe the testimony will cover
10 the questions I have. When I see the prepared testimony,
11 I'll know better, but my guess is I would have a few
12 questions different from those asked by you and the Staff
13 or Ms. Carroll.

14 MS. WOODHEAD: Alternatively, we could propose
15 that the three Tech witnesses follow Ms. Carroll and Mr.
16 Galloway. This is a question to Mr. Evans. I don't know
17 what your preference is in terms of the three witnesses you
18 name here.

19 MR. EVANS: You mean on direct.

20 CHAIRMAN BECHHOEFER: I might add also that
21 Wednesday will be short day because we will really have to
22 make sure we quit by five if we are going to show up -- if
23 we are going to eat dinner and all that before the seven
24 o'clock limited appearance statements. So, we're not
25 going to be able to go much beyond five, if at all.

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1 MS. WOODHEAD: Well, alternative to putting
2 Panel A on May 22nd is to start with the Georgia Tech
3 witnesses, if there is time on the 21st in the afternoon
4 and continue on the 22nd, then have Mr. Boyd -- and I
5 think probably Mr. Boyd's testimony could be confined to
6 the morning. I'm not sure because this is a verbal
7 direct, and I don't know the time for that, but I don't
8 think that cross examination will take a great amount of
9 time. That will leave Friday -

10 CHAIRMAN BECHHOEFER: We were trying to work
11 in the -- I'm not sure when the Staff prepared testimony
12 will be filed on Panel A, but --

13 MS. WOODHEAD: We are prepared to file it on
14 the 3rd.

15 CHAIRMAN BECHHOEFER: Okay.

16 MS. CARROLL: But we have to Fed-X it, right?
17 We have to overnight it if you submit it on the 3rd?

18 MS. WOODHEAD: No, you Fed-X it on the 6th.
19 It has to be in their hands by the 7th. So you can use
20 regular mail --

21 (The Board confers.)

22 CHAIRMAN BECHHOEFER: My thought is, given the
23 unavailability of Panel A the next week, it would be
24 better to start with Panel A and finish, hopefully, that
25 day, Wednesday.

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1 MS. WOODHEAD: We could start with Panel A or
2 we could start with the licensee's witnesses, either way.

3 CHAIRMAN BECHHOEFER: But you won't finish
4 Panel A, and that means they are in for the next week.

5 MS. WOODHEAD: Pardon me?

6 CHAIRMAN BECHHOEFER: If we are not likely to
7 finish Panel A if we don't start early with them -- Panel
8 A has covered a lot of events, and I anticipate quite a
9 few questions on either cross examination or Board
10 examination.

11 MS. CARROLL: I have a thought, which is,
12 since I don't know what my own hostile witnesses are going
13 to say, I'm not sure that we need to have the licensee
14 witnesses before I've even heard what Boyd and Long have
15 to say. That would definitely not be in GANE's favor, I
16 think. We're really going to find out a lot of stuff
17 during this hearing we think, and I think I need to know
18 it when I hear from Karam and Ice. I don't even know who
19 Tsoulfanidis is.

20 MS. WOODHEAD: So what are you suggesting?

21 MS. CARROLL: I'm suggesting that although I
22 appreciate the efficiency of getting Georgia Tech's
23 witnesses, I think it would be a disservice to GANE if I
24 didn't argue against that because that would precede my
25 having heard what Boyd and Long have to say, and I

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1 wouldn't have Karam and Ice's -- I mean, it all shakes out
2 in the wash. If anything is inconsistent, the Board is
3 going to notice it too.

4 Now, Ms. Long preferred Friday, but we could
5 do her on Wednesday. Possibly do Panel A on Tuesday with
6 Glenn and John, and that would leave Friday to actually
7 start with another party. She preferred Friday, but I
8 told her I'll let you know, I'll use that as a starting
9 point. I think the parties being as contiguous as
10 possible is important, but we don't want to risk missing
11 Panel A. I just know that John and Glenn, I suspect,
12 aren't going to take a day since we will have prefiled
13 testimony and you don't think the cross is very long. So
14 --

15 (The Board confers.)

16 CHAIRMAN BECHHOEFER: The Board, from what we
17 hear, thinks Panel A should go on Wednesday to make sure
18 we have plenty of time --

19 MS. WOODHEAD: We have no objection to that,
20 and if Ms. Long could come on Tuesday, the 21st, because I
21 think Ms. Carroll's prefiled testimony will conserve time.
22 We know her cross examination is not going to be lengthy.
23 Mr. Galloway's testimony and cross examination couldn't
24 possibly take more than an hour.

25 MS. CARROLL: We don't know that my cross

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1 examination won't be lengthy. I don't know why you said
2 that. I mean, I imagine -- I don't know. The other thing
3 is, from other discussions we've had, I've got to go
4 around the moon to get these documents that are in the
5 public document room and sort it into the record, and I
6 think I might even have to --

7 MS. WOODHEAD: I'm sorry, you misunderstand.
8 I'm saying the Staff's and Georgia Tech's cross
9 examination of you will be short.

10 MS. CARROLL: But the cross of Panel A, I
11 don't know.

12 MS. WOODHEAD: Yes. So I was wondering if we
13 could have Dr. Copcutt Monday afternoon, Ms. Glenn, Mr.
14 Galloway and Ms. Long on Tuesday, and if there is a
15 necessity to continue on Wednesday for any of the GANE
16 witnesses, we could do so in the morning, and then Panel A
17 would start as soon as that is finished on Wednesday.

18 MS. CARROLL: I can see that. And if Panel A
19 doesn't finish, we can flow over to Thursday and just
20 start Boyd after.

21 MS. WOODHEAD: Exactly.

22 MS. CARROLL: And if Boyd has to come Friday,
23 I think that's a possibility. I don't think he has a
24 demanding schedule. He is just basically supposed to be a
25 Emory that week. It sounds like we've got a scheme, but

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1 I'm not sure the Board's with us though.

2 CHAIRMAN BECHHOEFER: We were thinking that
3 Panel A is going to take one full day.

4 MS. CARROLL: I think maybe we ought to go
5 with what we were talking about earlier.

6 CHAIRMAN BECHHOEFER: I personally, unless the
7 Staff has -- I don't know what the prepared testimony will
8 be, but unless the Staff brings out certain things, I have
9 questions to ask Panel A about, about 8 or 10 inspection
10 reports.

11 MS. WOODHEAD: Judge Bechhoefer --

12 CHAIRMAN BECHHOEFER: You may testify as to
13 some of those details and that may be fine, but --

14 MS. WOODHEAD: Judge Bechhoefer, what we have
15 just been proposing is that Ms. Carroll, Mr. Galloway and
16 Ms. Long testify on Tuesday the 21st. Panel A testify on
17 Wednesday the 26th -- I mean, the 22nd, sorry, providing
18 there is no remaining cross examination or testimony of
19 Ms. Carroll, Mr. Galloway or Ms. Long, which would be very
20 brief on the morning of the 22nd.

21 MS. CARROLL: No, my thing is, I think Ms.
22 Long needs a whole day, and since the Board thinks that
23 Panel A needs a whole day, or scheme was that we would put
24 Long on after Carroll and Galloway, and roll Long over to
25 Wednesday, but if Panel A needs a whole day, we shouldn't

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1 --

2 CHAIRMAN BECHHOEFER: We could roll Long over
3 to Friday.

4 MS. CARROLL: Well, I'd rather not split it up
5 like that. I've got now Monday, Copcutt; Tuesday Carroll
6 and Galloway, maybe we finish early. We can all go to the
7 public document room and read. Wednesday, Panel A.
8 Thursday Boyd. Friday, Long. I guess this is a pretty
9 soft process every time you do it.

10 (The Board confers.)

11 CHAIRMAN BECHHOEFER: That latter sounds
12 reasonable to the Board.

13 MS. WOODHEAD: Al, how much cross do you think
14 you have on Boyd. Ours isn't going to be that long.

15 MR. EVANS: I don't think the cross
16 examination of Boyd would be particularly long. The
17 deposition was what? About an hour and a half? I would
18 think maybe half hour.

19 MS. CARROLL: It was a day and a half. But
20 the direct may take six hours.

21 MR. EVANS: Why would he --

22 MS. CARROLL: Boyd is a hostile witness.

23 MR. EVANS: He is being called by you.

24 MS. CARROLL: But he is a hostile witness. He
25 is pro-nuclear. I don't know how long he will take on

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1 direct. He is my hostile witness. He hasn't told me
2 everything.

3 MR. EVANS: If I had his written testimony I
4 could probably be pretty accurate.

5 MS. CARROLL: Well, you can't because he is a
6 hostile witness.

7 MR. EVANS: Not knowing -- the disadvantage of
8 not having the written testimony is I don't know what Boyd
9 is going to say.

10 MS. CARROLL: You deposed him for a day and a
11 half.

12 MR. EVANS: But that doesn't mean that you are
13 going to bring out on his exam the same thing we cross
14 examined him about. I don't know. I would anticipate
15 based on his deposition 30 minutes, but if he comes out
16 and comes up with some wild tales or something, I might
17 have to take a little longer.

18 CHAIRMAN BECHHOEFER: Well, it's possible --
19 Can Mr. Boyd carry over until Friday morning with Ms. Long
20 following?

21 MS. CARROLL: I mean, we'll have to if that's
22 what happens. If Ms. Long hasn't finished on Friday,
23 we'll have to roll her over until the Tuesday of the next
24 week. I suppose that's how this works. Surely you don't
25 just stop and not hear all a witness has to say.

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1 CHAIRMAN BECHHOEFER: No, we don't. We don't.
2 And then there has to be cross examination too.

3 MS. CARROLL: Right. But that's my guess. I
4 mean, I think Boyd and Long have very meaning testimony
5 together, and it just may be that after we bring out on
6 direct, he may need a couple of hours for cross.

7 CHAIRMAN BECHHOEFER: Of course, the Board
8 hasn't had access to any of this other information, but I
9 can perceive significant questions that, if not asked by
10 others, will be asked by the Board of both of those
11 witnesses. So the other parties may do it, and I'm not
12 going to duplicate questions, but there are some -- I've
13 read some of the reports concerning all of those witnesses
14 and it is clearly some information that has to be brought
15 out, and I'm not saying the other parties won't do it, but
16 if they don't, we will.

17 MS. WOODHEAD: Does the Board have lengthy
18 cross examination for Panel B and C also?

19 CHAIRMAN BECHHOEFER: Well, let's see -- At
20 the moment I don't know.

21 (The Board confers.)

22 MS. CARROLL: I need a drink of water.

23 CHAIRMAN BECHHOEFER: We were talking about an
24 afternoon break anyway. Why don't we have a ten or 15
25 minute break and maybe you can -- Let's make it 15 minutes

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1 to give you time to get the place for the limited
2 appearances if you can, Mr. Evans. So let's take a 15
3 minute break.

4 (A short recess was taken.)

5 CHAIRMAN BECHHOEFER: Back on the record. The
6 first thing, the Board was handed this schedule to which
7 all parties state that they agree and the Board has looked
8 it over and has no objection and that's what we will adopt
9 as at least our tentative schedule. We're not going to
10 change things, but actual testimony may -- the length of
11 actual testimony may warrant some modifications at a later
12 date, and we will be flexible in working that out. So we
13 approve the order -- the schedule that the parties have
14 agreed to.

15 Now, as a Board, we have only a couple of
16 minor other things. We have some subpoenas with us for
17 GANE to use and we will sign those and we were told that
18 the ones we would have to issue them for, Mr. Boyd and Dr.
19 Copcutt -- Are those still the only two you need?

20 MS. CARROLL: I'm not sure I understand how
21 Rebecca Long will be required to attend.

22 CHAIRMAN BECHHOEFER: We can't issue a
23 subpoena to an NRC staff member, the way I read it, and we
24 will just direct the Staff to make her available on the
25 schedule that you people have agreed to.

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1 MS. CARROLL: Okay.

2 CHAIRMAN BECHHOEFER: But we will issue that
3 order from Washington because I'll have to insert some
4 citations as to the places where GANE presented us the
5 reasons why we should be considering Ms. Long's testimony.
6 So --

7 MS. CARROLL: I know that when I got involved
8 with the Staff for a while and GANE got involved with the
9 Staff for a while on the relevancy of Rebecca Long --
10 submitted our argument for the relevance, and I think that
11 should provide a basis.

12 CHAIRMAN BECHHOEFER: Well, I'll have to look
13 through -- I have your discovery response with me, but I
14 haven't had a chance to go through it. I have also --
15 don't have before me the transcripts of our telephone
16 conference calls and I may be mistaken, but I sort of
17 remember that it was mentioned there, as well -- in one of
18 those or maybe both, but there's a number of pages to look
19 through and I don't carry page numbers around in my head,
20 so we will issue that order from Washington. We will be
21 back there Monday, and whether it will go on Monday --
22 hopefully Monday, but Monday or Tuesday.

23 I will issue those subpoenas this afternoon.

24 MS. CARROLL: I didn't get a copy of the
25 schedule. I think it was Wednesday that Georgia Tech

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1 would present their witnesses, Thursday would be Panel A
2 and --

3 CHAIRMAN BECHHOEFER: This schedule is going
4 to go in our order.

5 MS. CARROLL: Oh, okay. Great.

6 CHAIRMAN BECHHOEFER: But you won't get our
7 order probably until the end of the week.

8 MS. CARROLL: So it will be Panel B and Panel
9 C on Thursday, and Georgia Tech rebuttal on Friday? Now,
10 do we cross examine on rebuttal or is that just Georgia
11 Tech makes a final statement as the applicant and --

12 CHAIRMAN BECHHOEFER: No, I believe cross
13 examination is permitted on rebuttal testimony.

14 MS. CARROLL: I mean, since there are some
15 interesting witnesses on that list that I'd like --

16 CHAIRMAN BECHHOEFER: But not repetitive
17 questions.

18 MS. CARROLL: Right.

19 CHAIRMAN BECHHOEFER: Questions that you've
20 asked -- if any of the same people -- I haven't even
21 looked at the list, but if any of the same people are
22 involved, you can't ask them further on non-rebuttal
23 information, information that they may have provided
24 earlier, but you may have rebuttal on their -- You may
25 have cross on their rebuttal testimony, and then they may

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1 have some more rebuttal to clarify anything that comes out
2 on cross. So --

3 MS. CARROLL: So, Georgia Tech gets the last
4 word as the Applicant, is that right?

5 CHAIRMAN BECHHOEFER: That's correct. That's
6 correct.

7 Now, we thought we would ask parties to mark
8 their exhibits in numerical sequence for each party and we
9 suggest like Georgia Tech to be GT Exhibit 1 and GANE
10 Exhibit 1 and Staff Exhibit 1 and then go from there, 2,
11 3, 4, 5 for each party as needed. So we suggest the
12 documents be marked in that way. Basically I have been
13 told -- and maybe I'm wrong -- but I have been told by the
14 court reporting company by Ms. Comiez -- By the way, the
15 person sitting here is Allene Comiez. You've heard about
16 her on conference calls. That's her in person, but she's
17 making copies of documents at the moment, but --

18 MS. CARROLL: It's when she went home that we
19 lost our conference call that day, wasn't it.

20 CHAIRMAN BECHHOEFER: Yes, yes. Well, she was
21 almost going home. She was just on her way out the door.

22 But anyway, those documents mark consecutively
23 for each party as we said. We calculate now -- and I may
24 be wrong -- each party needs to bring 8 copies of each; an
25 original and two copies for the reporter. The other five

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1 are for -- one for each of the other parties and three for
2 the Board members. Now -- off the record a second.

3 (Off the record discussion.)

4 CHAIRMAN BECHHOEFER: Back on the record.

5 The Board has calculated that eight copies of
6 each document to be submitted into evidence will need to
7 be presented, except to the extent that if documents have
8 been previously presented to other parties -- all the
9 parties, and if the Board has been given copies of those
10 documents, then only three for the reporter, an original
11 and two copies -- one that is considered an original may
12 be a copy, but be that as it may, three copies have to be
13 given to the court reporter.

14 MS. CARROLL: So for instance, GANE, if it
15 wants to enter an inspection report into the record, would
16 provide the three copies to the court reporter, but you
17 guys have, the NRC has and Georgia Tech has them --

18 CHAIRMAN BECHHOEFER: I don't think we have
19 official copies. We've looked at some of those reports
20 that you referenced, but I think we would be --

21 MS. CARROLL: Where did we get ours? From the
22 NRC and Georgia Tech has them if it was a Georgia Tech
23 inspection report. I mean, we got them from y'all, so you
24 get it from the same place.

25 CHAIRMAN BECHHOEFER: No, we got it through

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1 the so-called NUDOC system and I cannot -- ever very sure
2 that the NUDOC documents are complete and certainly they
3 don't have -- if they are copies that you are using that
4 have written notes on them, we won't see that through
5 NUDOC, so -- It depends on where you got yours from.

6 MS. CARROLL: Oh, boy, at the library they've
7 got those slow xerox machines and you have to keep
8 chunking dimes in there. That's going to be hard. That's
9 going to be really hard. Gosh. Like that giant 150 page
10 1987 inspection report, you know we're going to put that
11 in. We have to provide eight copies of that?

12 CHAIRMAN BECHHOEFER: Well, I've also said
13 before, if the Staff itself is proposing to put in certain
14 documents and if they are going to put it in, you don't
15 have to put the same document in.

16 MS. CARROLL: See, we won't know what Ms.
17 Woodhead is putting into --

18 CHAIRMAN BECHHOEFER: It's on their list.

19 MS. CARROLL: It won't change with your
20 prefiled testimony?

21 MS. WOODHEAD: No.

22 CHAIRMAN BECHHOEFER: No, not if they've
23 provided their document list in advance, they won't.
24 There may be reasons for introducing additional documents
25 later, new information -- a lot of things. One of them is

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1 that you didn't find it in time. If it is a new document
2 or new information, you could move at the last minute to
3 put those in, but --

4 (The Board confers.)

5 CHAIRMAN BECHHOEFER: To the extent that GANE
6 can do so --

7 (The Board confers.)

8 CHAIRMAN BECHHOEFER: To the extent that GANE
9 can do so, it would help for the other parties to have a
10 list of all the documents, and of course, you don't have
11 to introduce into evidence the ones that they already are
12 proposing to introduce.

13 MS. CARROLL: I think we can do that. It may
14 grow, I suppose, according to their prefiled testimony
15 when we see it, but --

16 CHAIRMAN BECHHOEFER: Well, you got their list
17 already today.

18 MS. CARROLL: No, I mean our list may grow as
19 we see their prefiled testimony and that may lead us
20 somewhere else. I mean, we may need to append it later.

21 MS. WOODHEAD: Judge Bechhoefer, we haven't
22 heard her list yet.

23 CHAIRMAN BECHHOEFER: Well, I'm not asking for
24 her to do it now, immediately.

25 MS. WOODHEAD: You ask the parties to submit a

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1 list of documents and witnesses.

2 CHAIRMAN BECHHOEFER: I don't think I said
3 documents.

4 MS. WOODHEAD: You did. Proposed witnesses
5 and proposed exhibits, isn't that your Board order?

6 CHAIRMAN BECHHOEFER: No.

7 MS. WOODHEAD: I believe it is.

8 CHAIRMAN BECHHOEFER: I don't think so, but I
9 can check, but I don't remember putting that in there.

10 (The Chairman reviews document.)

11 CHAIRMAN BECHHOEFER: No, we do not --

12 MS. WOODHEAD: I misread it. It says contents
13 and authenticity of documents to avoid unnecessary proof,
14 that's why I thought you meant a list of documents.

15 CHAIRMAN BECHHOEFER: Right. We have urged the
16 parties -- We are urging the parties right now and we have
17 mentioned it also for them to get together and agree on
18 the authenticity, particularly, of certain documents and
19 perhaps on their admissibility, but we didn't mean
20 beforehand. We'd like the parties to get together after
21 the fact and agree on that, independently. The only thing
22 we asked you to bring in was a list of witnesses, which
23 all of you have done. So --

24 MR. EVANS: It appears to me that we probably
25 will have duplicate exhibits. I don't see any way around

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1 it because when I prepare my direct written exam, I'm
2 going to have to refer to exhibits which I am using as
3 part of my direct written exam. I can't -- I don't know
4 the numbers at the time I do this, and I think the only
5 practical way of doing it, is to give it my exhibit
6 number, even though the same document probably will be
7 introduced by someone else, but I don't know any way
8 around doing that if I prepare my written direct exam.

9 I think it has to go that way, and for the
10 convenience of the Court I will announce that I will do it
11 -- unless I am told not to -- I will still submit the
12 eight documents when we start out, but I will have a ninth
13 document and that's going to be physically appended to the
14 direct testimony. So it will be -- In other words,
15 instead of getting the direct testimony and then have a
16 separate pile of the document referred to in the direct
17 testimony, I think it might be more convenient to the
18 panel if I have the exhibits physically appended to my
19 testimony --

20 CHAIRMAN BECHHOEFER: That is certainly
21 permissible.

22 MR. EVANS: Then I will still give the eight
23 in addition to that.

24 CHAIRMAN BECHHOEFER: Of course that's
25 permissible.

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1 MR. EVANS: Okay. Thank you. I think it
2 would be easier for you.

3 CHAIRMAN BECHHOEFER: We are trying to make it
4 easy for everybody.

5 MR. EVANS: It's certainly easier for me.

6 CHAIRMAN BECHHOEFER: But what I am saying is,
7 if GANE sees that a number of its documents that it's
8 going to use are already referenced -- not referenced, but
9 appended to other testimony or identified by, say, the
10 Staff and are introduced --

11 MR. EVANS: And I will label mine -- Oh,
12 excuse me.

13 CHAIRMAN BECHHOEFER: -- GANE will then not
14 have to bring a copy of that. They can rely on the same
15 document put in by other parties.

16 MR. EVANS: And I will label mine Tech 1, Tech
17 2, Tech 3, and I assume it would be Staff 1, Staff 2, and
18 GANE 1 --

19 CHAIRMAN BECHHOEFER: Yes, I just said that.
20 We had suggested GT-1, but take your pick.

21 MR. EVANS: GT is fine.

22 MS. CARROLL: Well, now I have a question.

23 CHAIRMAN BECHHOEFER: And the Staff is Staff
24 1, 2, 3 and GANE's will be GANE 1, 2, 3, to the extent
25 that they need to put in additional documents.

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1 MS. CARROLL: Now, GANE read Georgia Tech's
2 minutes. Georgia Tech furnished these minutes, after we
3 invoked them, to the Staff, who then copied them for us at
4 a cheaper rate than Tech provided. We know Tech has them
5 and we know the Staff has them. Now I have them, we have
6 them, but the Board doesn't have them and the court
7 reporter doesn't have them. So I can see providing eight
8 copies of those -- I mean, six copies of those, but do
9 they really want duplicate copies of those? They have
10 them. I got them from them.

11 (The Board confers.)

12 CHAIRMAN BECHHOEFER: What do the other
13 parties think of that? As far as we are concerned, as
14 long as they are identical documents in the possession of
15 the other parties, I don't -- I would not think it would
16 be necessary but I'd like to hear comments from the other
17 parties.

18 MS. CARROLL: It's that thick (demonstrating).

19 MS. WOODHEAD: Do you propose to submit all
20 the minutes that we gave you?

21 MS. CARROLL: I think we have to because of
22 the errors of omission that we want to invoke. You'll
23 have to be able to look at all the minutes to verify that
24 GANE is right, they raise a serious safety issue and
25 never, ever, ever talk about it ever again. It remains

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1 unresolved.

2 CHAIRMAN BECHHOEFER: Now, we are not talking
3 about documents for the record, the original and two,
4 because I think, assuming that the other parties aren't
5 going to use those documents in evidence, GANE would have
6 to do something. If the question is whether GANE has to
7 provide additional copies to the other parties of
8 documents that they already have, we're trying to relieve
9 you of that. As long as they are the same document.

10 MS. WOODHEAD: We do not know they are the
11 same document until we are provided them at the same time
12 as the Board. How would we know it hasn't been altered.

13 CHAIRMAN BECHHOEFER: Because if you had the
14 documents with you, she could show you --

15 MS. WOODHEAD: We don't intend to bring those
16 documents with us. We're not submitting them as exhibits.

17 MS. CARROLL: Well, I guess that answers that.
18 And here's my other question --

19 CHAIRMAN BECHHOEFER: Yeah, I guess you'll
20 have to produce the eight copies of that.

21 MS. CARROLL: Yes. I feel sorry for the
22 trees. After -- since we have three hostile witnesses and
23 they are the ones with the documents, I imagine they are
24 all sophisticated enough to bring documents, but we, you
25 know, have had this barrier between us of being anti-

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1 nuclear and pro-nuclear, and should GANE have a runner
2 here to keep running to Kinko's? I mean, as their
3 testimony comes out and we find that they possess a
4 relevant document -- I mean, I don't see any way to be
5 prepared with eight copies of that since I'm going to
6 watch it unfold along with you, what they know, what they
7 possess. There must be some kind of system for working
8 with hostile witnesses.

9 (The Board confers.)

10 CHAIRMAN BECHHOEFER: For documents that your
11 witnesses bring in, unless they are the same documents
12 that the other parties have identified already as part of
13 their case, you will have to bring in eight copies.

14 MS. CARROLL: You mean, I should make it
15 incumbent on my witnesses that any copies that they are
16 choosing to bring, any documents they are choosing to
17 bring with them, they should bring eight copies of it?

18 CHAIRMAN BECHHOEFER: Well, either the
19 witnesses or you. You may have to make the copies on the
20 spot almost.

21 MS. CARROLL: Right.

22 CHAIRMAN BECHHOEFER: If they are traveling
23 across the country, eight copies of documents -- I don't
24 know how many Dr. Copcutt will bring, but if he wants
25 particular documents, either he'll have to bring them or

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1 you'll have -- he'll have to bring at least one and you
2 could reproduce it here. It could be done at a break.

3 MS. CARROLL: Right. So he can enter it for
4 the court reporter's -- but we can actually manifest the
5 physical documents an hour later, or somebody could -- I
6 think we could have a volunteer that could keep running to
7 the xerox machine for us, but that would work, wouldn't
8 it?

9 CHAIRMAN BECHHOEFER: Yes. Yes. I mean, you
10 can work that out.

11 MS. CARROLL: I mean, if you've got something
12 in an inspection report you're interested in, do you enter
13 the whole inspection report or just the page, the page
14 that's got the --

15 CHAIRMAN BECHHOEFER: Usually the whole report
16 to show the context. If you can agree, stipulate with
17 other parties, what portions of -- Well, you'll have to
18 see what portions -- If it is an inspection report, the
19 Staff has identified a number of those. Find out what the
20 Staff is going to introduce and you won't have to
21 introduce anything there, if it is the same report.

22 And if the Staff covers the -- Normally for us
23 to see the context, it is important to have the entire
24 report, but if there is a lot stuff strewn about,
25 irrelevant issues, which there often is, we wouldn't

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1 object to an agreement that that particular report doesn't
2 have to be put into evidence. Portions of reports that
3 have no bearing at all on -- I know there are always some
4 miscellaneous issues that aren't much interest to anybody,
5 not connected to a violation, not connected with even the
6 subject matter. I was trying to think of a subject that
7 wasn't included in any of the things you referred to. I'm
8 not sure I can.

9 MS. CARROLL: Well, I know that the inspection
10 reports that we did find stuff in, there was other stuff
11 that we didn't think made our case. I mean, but most of
12 the reports and stuff are a hundred pages or more.

13 CHAIRMAN BECHHOEFER: If you could agree with
14 the Staff and with the Applicant about deleting portions
15 of it and agreeing that what you are putting in is still
16 authentic, that would be all right. We certainly
17 aren't inviting building a record with stuff that's
18 irrelevant. So I would think that is the kind of thing
19 the parties could get together and discuss.

20 For instance, I don't know whether the Staff,
21 itself, how the inspection reports that they've
22 identified, plans to put the whole report in. If the
23 Staff does, then you don't have to put anything in anyway,
24 and you don't have any arguments. It means that we will
25 probably have to read it all or we could be directed to

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1 what's relevant. When proposed findings are filed, that
2 will direct us to the portions of the evidence that
3 various parties want to rely on. If it is in the record,
4 you can rely on it.

5 MS. CARROLL: Are you intending to submit
6 these entire inspection reports?

7 MS. WOODHEAD: (Affirmative nod) '87 and '88,
8 right?

9 MS. CARROLL: Well, as long as you can handle
10 the big one, I guess --

11 CHAIRMAN BECHHOEFER: And most of the others I
12 think are much shorter, although I haven't read them all,
13 but I have some of it here, but not a hundred percent. So
14 I think you all can agree on that and work out something.
15 I guess the order we'll issue will urge you to do that.

16 (The Board confers.)

17 CHAIRMAN BECHHOEFER: And to the extent the
18 parties can agree to stipulate as to the admissibility of
19 certain documents, not only their authenticity, but their
20 admissibility, that too would save time. We won't have a
21 lot of arguments then as to whether some document is
22 relevant or not relevant. So, we would urge the parties -
23 - We're not going to order anything in that respect, but
24 we are going to urge you to attempt to work that out, just
25 to reduce hearing time.

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1 MS. CARROLL: Once the lists are known to each
2 other, we should proceed to argue -- Like, you know, what
3 Ms. Woodhead said to me a while ago, I don't see why you
4 think this is relevant, and then we would argue --

5 CHAIRMAN BECHHOEFER: Well, yeah, and then we
6 would urge you, if you could agree to both authenticity --
7 authenticity should be easy. You would say, this is a
8 correct copy of a document and it is what it is and we
9 won't fight the fact that it is a copy, for instance. We
10 won't make you bring in the original, which you probably
11 don't even have, probably weren't given.

12 So, that kind of thing you all can agree to we
13 hope, and if you can agree to admissibility, the fact that
14 a given document is admissible, we would appreciate you
15 doing that, but we are not saying you should give us any
16 legitimate argument you have in that respect either. Just
17 get together and try to work out what you can to simplify
18 the hearing process. The more that happens, the faster we
19 can move through the various witnesses, exhibits,
20 etcetera.

21 (The Board confers.)

22 CHAIRMAN BECHHOEFER: Now, those are all the
23 matters the Board wanted to consider. I was told the
24 parties had something additional for us to consider.

25 MS. CARROLL: The only stuff I had was hoping

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1 to persuade you to agree to establish -- I think it's
2 Wednesday, the 29th, that you would just agree to
3 establish the seven to nine public comment period, but
4 I'll laundry list that. I heard your discussion and
5 unless something changes your minds, I guess I'll have to
6 live with it.

7 CHAIRMAN BECHHOEFER: What we probably will
8 do, we propose to wait and see what happens on the 22nd.

9 MS. CARROLL: But that -- If we haven't
10 already previously let people know, then we will set this
11 time and --

12 CHAIRMAN BECHHOEFER: Well, it's going to be--

13 MS. CARROLL: -- then there'll be a thin
14 turnout and we'll end up wasting the time.

15 CHAIRMAN BECHHOEFER: Well, the potential
16 availability -- potential, I say, we will mention that it
17 is potentially available, and if enough people express an
18 interest, we might. If we don't get much interest or no
19 one shows up the Wednesday -- the first Wednesday evening,
20 the 22nd, then we will certainly assume there isn't enough
21 interest in it to have another one.

22 MS. CARROLL: It's kind of a morphosis how
23 this --

24 CHAIRMAN BECHHOEFER: Well, that's --

25 MS. CARROLL: -- takes place between the broad

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1 public, which basically doesn't know anything unless we
2 tell them, and you guys. And if you guys make a decision
3 really late in the day, how is the broad public going to
4 find out about it enough to --

5 CHAIRMAN BECHHOEFER: Because the broad public
6 can have access to our decision as well.

7 MS. CARROLL: I am here to tell you that real
8 people don't read the Federal Register, in case you didn't
9 know that. I mean, it's very expensive, \$500 a year to
10 subscribe to it, and it's very ponderous and --

11 CHAIRMAN BECHHOEFER: But there are many ways
12 of parties making available to other people the
13 information. We'll put it in and you can tell them. Then
14 if you are so inclined to express an interest and they do
15 it --

16 I would imagine that NRC's public affairs
17 division will put something out after we issue our order.
18 They always do. I can't order them to, but they normally
19 do. They did put out a press release on this particular
20 prehearing conference, and I assume they will do it again.
21 So --

22 Beyond that, I assume that process will work
23 out so the parties --

24 MS. CARROLL: I'm here to say as a citizen
25 that I think the process of public dialogue between the

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1 regulators and the public citizens is a pretty new thing
2 and it's work in progress, and in my time, in my eight
3 years as an activist, the Department of Energy started
4 having hearings. That was something we'd fought for
5 forever. Now, we're still working out how that works.
6 We're still working on it. The Department of Energy has
7 shown a lot of change over the years from going from
8 fairly formal processes that are uncomfortable, like
9 barely seeing your faces from here to sit down discussions
10 to three workshops where we really dialogue, and they are
11 really working on this.

12 Now, the NRC has a couple of times traveled
13 around the country, very much noticed. We couldn't tell
14 from the NRC if they cared if we came out to tell them
15 about BRC, they were providing us a hearing about BRC.
16 Well, we did turn out but there was a lot of notice and
17 people had time to, not only know they had the
18 opportunity, but to educate themselves and hope they would
19 sound intelligent when they express their concerns.

20 CHAIRMAN BECHHOEFER: Well, we --

21 MS. CARROLL: I think a lot of citizens that
22 take the initiative to come out if they haven't had time
23 to study it, and people travel, and I just think it would
24 be a great show of earnest interest in the public's
25 opinion for the NRC to provide -- and I think it's fairly

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1 --

2 CHAIRMAN BECHHOEFER: Well, we will put out
3 our notice that says we will consider, depending on
4 expressions of interest, that type of thing, whether we
5 will hold a second one. We normally -- a second evening
6 session. We are already scheduling two sessions, which is
7 more than normally is done.

8 MS. CARROLL: We really appreciate it, and I
9 heard somebody say something about a damn -- a damn public
10 comment period, so I know y'all were reluctant, and we
11 really appreciate it.

12 CHAIRMAN BECHHOEFER: We're going to do that,
13 and then we are going to announce the potential
14 availability, depending on expressions of interest, and by
15 the time we get to the second occasion, we'll know how
16 much interest there appears to be and we'll set it at that
17 time.

18 MS. CARROLL: That is too short of notice. I
19 mean, we're going to be so overwhelmed by even being in
20 these hearings, there is no way we're going to get the
21 word out in that week.

22 CHAIRMAN BECHHOEFER: Well, tentatively you
23 don't have to do anything for the limited appearances.

24 MS. CARROLL: Yes, we do. The public doesn't
25 hear you when you talk unless somebody like GANE says

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1 something to them because your avenues for putting the
2 information out are so esoteric that the regular public
3 doesn't get it. That's why GANE works this hard to --

4 CHAIRMAN BECHHOEFER: Yes, but you'll be able
5 to tell them tomorrow -- or tell various people tomorrow
6 that we're going to hold the two sessions that we have
7 stated and if there are expressions of interest either
8 there or even before, we will hold a third session, but
9 there has to be enough people --

10 MS. CARROLL: Couldn't there be a mechanism
11 for making the decision before the 22nd, which is just one
12 week before the 29th and it is a holiday week? Can you
13 make a decision on --

14 CHAIRMAN BECHHOEFER: Well, we have to know if
15 anybody is interested.

16 MS. CARROLL: I'm here to tell you they are,
17 and they travel and they --

18 CHAIRMAN BECHHOEFER: Well, they can tell --

19 MS. CARROLL: If they come out on the 22nd and
20 they express their interest to you, they won't need to
21 come back on the 29th and express their interest, and if
22 they make an effort to come out and park in downtown
23 Atlanta and at Georgia Tech, which is difficult, and grope
24 around the campus and find the Student Center and they
25 don't get to talk on the 22nd, they are not going to be

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1 inclined to come back out a week later.

2 I mean, I've been organizing this stuff for
3 years and I know. It's an effort on our part to get
4 people to act on their interest. They put the date on the
5 calendar -- they are interested, but the process -- I
6 mean, getting people motivated to talk -- It's just, I
7 think if we knew by May 10th, and we could go ahead and
8 put a postcard out, that would be helpful.

9 (The Board confers.)

10 CHAIRMAN BECHHOEFER: I don't think we can be
11 much more specific. I think we will just leave it the way
12 we ruled earlier.

13 MS. CARROLL: So I mean, if we motivate people
14 to write and express their need for the 29th and you got
15 ten letters --

16 CHAIRMAN BECHHOEFER: Well, any letters we
17 get, or the secretary as well, we will certainly consider
18 it.

19 MS. CARROLL: But would you consider, if you
20 got them early enough, issuing an order on May 10th saying
21 that you would hold the second public hearing because you
22 had the indication of interest and give us the opportunity
23 to notify our 500 members or mailing list contacts that
24 they have this second week because people travel, people
25 have Wednesday night appointments.

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1 CHAIRMAN BECHHOEFER: Well, we'll see what we
2 get. I'm not sure how we'll react. It depends on the
3 kind of communications. I'm not sure I want to see 100
4 form letters particularly.

5 MS. CARROLL: I mean I can't promise you
6 commenters. I think the invitation from the NRC should
7 be, we want to know what you think, and we're bending over
8 backwards to let you talk to us, not that, we're making it
9 hard to let you talk to us. You've got Ms. O'Brien in
10 there. You know she is going to hog an hour of the three
11 hours. You know it.

12 CHAIRMAN BECHHOEFER: I can tell you -- I
13 can't tell you now, but I doubt if we will permit her to
14 go for an hour. We will -- Perhaps she can go for more
15 than five minutes, which is the usual.

16 MS. CARROLL: I think we've been promised a
17 half hour. I think in one of the prehearing conference
18 calls we got everybody to agree to that.

19 CHAIRMAN BECHHOEFER: I thought we did agree
20 with a half hour, but I don't think we're going to allow
21 an hour because Ms. O'Brien has addressed this Board
22 previously, and we don't want to hear a repetition of what
23 she said before either because we know what she said
24 before.

25 MS. CARROLL: Well, she's a loose cannon, so -

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1 - but she doesn't have any cannonballs, so we'll look
2 through it.

3 CHAIRMAN BECHHOEFER: Well, we'll see. Are
4 there other subjects that the parties wish to raise,
5 because I think that's all we had.

6 MS. WOODHEAD: Judge Bechhoefer, I failed to
7 mention earlier when I gave you the list of Staff
8 witnesses that for Panel A we are considering adding -- we
9 may add Alexander Adams from Panel C also to Panel A, and
10 we may also add Luis Reyes, L-u-i-s, R-e-y-e-s, to Panel
11 A, but we haven't decided that. It's just a possibility.

12 CHAIRMAN BECHHOEFER: And would the timing be
13 similar to that listed here?

14 MS. WOODHEAD: The timing? I'm sorry?

15 CHAIRMAN BECHHOEFER: The scheduling.

16 MS. WOODHEAD: Oh, it would add nothing to the
17 testimony. The testimony is already prepared. They would
18 just -- because they are knowledgeable about the testimony
19 as it is now being prepared, they would be simply added as
20 additional witnesses.

21 ADMINISTRATIVE JUDGE LAM: Is Mr. Luis Reyes,
22 his title, Regional Administrator?

23 MS. WOODHEAD: He is, sir.

24 (The Board confers.)

25 CHAIRMAN BECHHOEFER: I believe you ought to

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1 inform GANE and the Applicant as well when you make a
2 definite decision to add them or not add them, just so
3 they can be more prepared. We will have no objection to
4 your adding to the panel.

5 MS. WOODHEAD: All right. We'd be happy to.

6 CHAIRMAN BECHHOEFER: Let the parties know as
7 soon as possible.

8 Anything further because otherwise I think we
9 have finished what we intended to go through. We've
10 issued a Notice of Hearing.

11 Allene, have you distributed those to the
12 people?

13 MS. COMIEZ: No, sir.

14 CHAIRMAN BECHHOEFER: Why don't you give them
15 a copy and it will be issued today. It's a formal
16 document, it doesn't have any decisions or anything. Let
17 the record reflect the document is being distributed.

18 We will issue early next week a memorandum
19 concerning what went on in this conference and what we
20 held. We should have the transcript by Monday -- I guess
21 by Monday. I'm not sure. I think it was ordered in two
22 days, or something like that. So we'll have the
23 transcript to work with.

24 Beyond that, we'll issue an order, a
25 prehearing conference order -- a third prehearing

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1 conference order as soon as we can early next week.

2 MS. CARROLL: There's a typo --

3 CHAIRMAN BECHHOEFER: Oh, there is?

4 MS. CARROLL: I'm sorry, I'm sorry. I'm
5 thinking the dates of the second week. Okay, I'm sorry.
6 Jumped the gun.

7 CHAIRMAN BECHHOEFER: Okay. I appreciate you
8 all being here and I think we got a few things done that
9 were useful. Appreciate everything. See you May 20th.

10 (Whereupon, the prehearing was adjourned at
11 5:40 p.m., April 24, 1996.)

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C E R T I F I C A T E

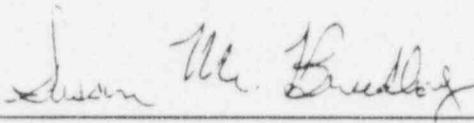
CASE NUMBER: 50-160

CASE TITLE: Georgia Institute of Technology

LOCATION: Atlanta, Georgia

DATE: April 24, 1996

I, Susan M. Breedlove, do hereby certify that the foregoing pages represents a true and correct transcription of the events which transpired at the same time and place as set out in the caption, to the best of my ability.



SUSAN M. BREEDLOVE
Certified Court Reporter