

21072

DOCKETED
USMRC

OFFICIAL TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

'99 DEC 15 P5:00

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
ADJUDICATION STAFF

**Title: CONFERENCE CALL OF
CAROLINA POWER & LIGHT
COMPANY**

Case No.:

Work Order No.: ASB-300-1048

LOCATION: Chapel Hill, NC

DATE: Wednesday, December 8, 1999

PAGES: 177 - 189

**ANN RILEY & ASSOCIATES, LTD.
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034**

PDR TO PRP. EUTCPE

TRO
D501

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

- - - - -X
In the Matter of: :
CAROLINA POWER & LIGHT :
COMPANY :
- - - - -X

Southern Human Resources Center
Homestead Road
Main Meeting Room 2505
Chapel Hill, North Carolina

Wednesday, December 8, 1999

The above-entitled matter came on for conference
call, pursuant to notice, at 12:30 p.m.

ANN RILEY & ASSOCIATES, LTD.
Court Reporters
1025 Connecticut Avenue, NW, Suite 1014
Washington, D.C. 20036
(202) 842-0034

P R O C E E D I N G S

CONFERENCE CALL

[12:30 p.m.]

1
2
3
4 JUDGE BOLLWERK: This is Administrative Law Judge
5 Bollwerk, with the Nuclear Regulatory Commission. We're
6 here for a telephone conference today at the Southern Human
7 Resources Building. Just prior to our limited appearance
8 statement session.

9 With me is Judge Shon, and Judge Lam, and I'll let
10 the other parties identify themselves for the record please.

11 MR. O'NEILL: This is John O'Neill representing
12 Carolina Power and Light Company.

13 MS. UTTAL: Susan Uttal representing the NRC
14 staff.

15 JUDGE BOLLWERK: Okay. Do you want to identify
16 who's with you?

17 MR. CAVES: I'm John Caves with Carolina Power and
18 Light.

19 JUDGE BOLLWERK: All right. Ms. Kern?

20 MS. CURRAN: This is Dianne Curran representing
21 Orange County.

22 JUDGE BOLLWERK: And since you're in the room, why
23 don't you just mention you're here.

24 MR. THAMES: Dianne, Paul Thames. I'm here as
25 well.

1 JUDGE BOLLWERK: All right. We're having this
2 telephone conference because of a request that I received
3 yesterday. I guess there had been some consultation between
4 the parties with respect to scheduling. And I think the
5 Staff has a request for a motion that they want to make.
6 Ms. Uttal.

7 MS. UTTAL: The staff is requesting a two-week
8 extension of time for filing, and also a two week extension
9 for oral arguments because the staff does not have all of
10 the information it needs to determine the issues.

11 JUDGE BOLLWERK: All right. Is there discovery
12 material you haven't received, or do you need - - just so I
13 have a better sense of why - - what the problem is, if you
14 can let me know.

15 MS. UTTAL: All right. It is an additional report
16 from the Licensee that we're waiting for.

17 JUDGE BOLLWERK: All right. And when do you
18 expect to receive that?

19 MS. UTTAL: I was hoping for today, but they don't
20 have it; as of this morning, they didn't have it yet. So I
21 don't know.

22 JUDGE BOLLWERK: And is this something that's
23 going to be made available to Ms. Curran, as well, or how is
24 that working with - -

25 MR. O'NEILL: Anything that we give to the staff

1 has generally been made available to Ms. Curran, and this
2 one will as well. It's a report by outside structural
3 integrity analysis that's just an overview of the
4 suitability of the piping as a result of all the video
5 inspections. And so actually, we just got a report by FedEx
6 today. They're out in San Jose California.

7 JUDGE BOLLWERK: All right.

8 MS. CURRAN: I don't think I've seen a written
9 request for this report. Has there been one?

10 MR. O'NEILL: No.

11 MS. CURRAN: Okay.

12 JUDGE BOLLWERK: I take it you had talked with Ms.
13 Uttal, and you were aware of the report though?

14 MR. O'NEILL: What - -

15 JUDGE BOLLWERK: Ms. Curran. I'm sorry.

16 MS. CURRAN: I just knew the staff was looking for
17 more information from the applicant.

18 JUDGE BOLLWERK: All right. So the question on
19 the table then, is a two-week extension, which I take it,
20 looking at the calendar would put us to, if we just moved it
21 two weeks would put us to the third of January? Is that
22 what we are talking about? Or, that's two weeks. You tell
23 me.

24 MS. UTTAL: Hopefully, a few days later than that,
25 considering the time of year it is. When I spoke to Ms.

1 Curran, she indicated that, well, perhaps she can tell you
2 herself regarding her input on the dates.

3 JUDGE BOLLWERK: All right. Ms. Curran, what are
4 you looking toward? I take it first of all, do you have any
5 opposition to this, Mr. O'Neill? In terms of - -

6 MR. O'NEILL: We are not going to oppose the
7 motion, although we would prefer not to have to file
8 something on the third. And I think that the date that Ms.
9 Uttal was talking about was oral argument on the
10 twenty-first. We don't know if that meets with the Board's
11 schedule. But if it were, then we would back up fifteen
12 days from the twenty-first, which I think, would be the
13 sixth. So that we'd have a few days in the week of January
14 to finalize the paper rather than have people worried about
15 over Y2K celebration.

16 JUDGE BOLLWERK: All right.

17 MS. CURRAN: Okay. I have a problem with that.

18 JUDGE BOLLWERK: All right.

19 MS. CURRAN: I'm going to be out of the country
20 between January eighth, and seventeenth. I have long
21 standing plans, that were based in part on our previous
22 schedule. So I would like to have as much time before I
23 leave to look what the other parties are filing. And then I
24 would have some time when I got back to prepare for the oral
25 argument. Which I would like to have on the twenty first.

1 So it would be much better for the County if we could have
2 the filing deadline be January fourth, and the oral argument
3 January twenty first.

4 MR. O'NEILL: I think the fourth is pretty much
5 the same problem. If we're going to have it the twenty
6 first, I believe the rules provide fifteen days in advance,
7 and I would stick with the rules. And fifteen days in
8 advance will certainly get it to you on the sixth and you
9 can distribute it, and have plenty of time to read it and
10 get it electronically wherever you are, even. But - -

11 MS. CURRAN: That's just not plenty of time for
12 me. I just won't be able to do anything with it during that
13 time I've got, so I want to have as much time ahead to
14 review it. And what Susan asked for was two weeks. And to
15 me it seems reasonable to say, okay, let's do it on the
16 fourth.

17 JUDGE BOLLWERK: Is there any problem with getting
18 it filed by the fourth?

19 MS. UTTAL: Other than interfering in that last
20 weekend of the year. I would prefer a later date that week,
21 perhaps the fifth.

22 JUDGE BOLLWERK: All right. Well, the fifth's on
23 the table now, Ms. Curran.

24 MS. CURRAN: I am very concerned. I certainly
25 wouldn't have made this plan had I known that there was

1 going to be a change in the schedule, but I did.

2 JUDGE BOLLWERK: Right.

3 MS. CURRAN: I am not going to be able to work on
4 this while I'm away. It's just impossible. So I really
5 need the time. So I would - - I feel that it would be
6 prejudicial to us not to get that amount of time. And I
7 guess it's hard for me to see why the fourth would be such a
8 big problem.

9 JUDGE BOLLWERK: All right. Anybody else want to
10 say anything at this point in terms of timing? Why the
11 fourth, or fifth, or six is bad? Again, this is your
12 chance, folks. If you've got a problem, let us know.

13 Okay. Let me put this - - we're obviously going
14 to talk about this, because the three of us are here, the
15 other one we haven't had a chance to discuss it with. We'll
16 go ahead and talk among ourselves, and we'll grant an
17 extension of some period. All right, we're looking at the
18 fourth, fifth, and sixth. Exactly when we set it will be in
19 that time. I've got to check some of our schedules back in
20 the office about the twenty first to make sure that that's
21 available. I suspect that will not be a problem in our
22 hearing room in Washington, but I need to make sure that
23 that's not a problem.

24 JUDGE LAM: Now the twenty first is a Friday.

25 JUDGE BOLLWERK: Right. Is that a problem for

1 anybody? Okay. And at this point why don't you assume that
2 there is going to be an extension granted, and we will give
3 you a date by which the filings are due in the next day or
4 so, as well as some kind of indication about the time of the
5 hearing, which I hadn't actually set a time.

6 Let me ask the question while I have everybody
7 here. What kind of documentation are we looking at in terms
8 of the length of it? Can anybody give me a sense? Are we
9 talking about fifty pages per party; a hundred pages per
10 party? I'll start with you, Ms. Uttal. You look the most
11 pained.

12 MS. UTTAL: It will be a rough estimate.

13 JUDGE BOLLWERK: That's all I'm asking for. I'm
14 not trying to put anybody - -

15 MS. UTTAL: In terms of, do you want like a total
16 package with the affidavits - -

17 JUDGE BOLLWERK: No. I'm actually looking more at
18 the pleading that you're going to file. I guess I recognize
19 it's going to have a number of attachments to it, but - -

20 MS. UTTAL: It will be no less than thirty pages.

21 JUDGE BOLLWERK: Thirty pages. What about the
22 Applicant?

23 MR. O'NEILL: I would think that the actual
24 summary, which is what this calls for; a summary of our
25 position. Would be certainly no more than fifty pages. I'm

1 not looking for a huge thing, but there will be - - since
2 anything upon which we rely must be sworn, there will be a
3 number of affidavits, and there will be a number of
4 attachments to the affidavits. So as far as, if you will,
5 the statement of facts upon which we rely, that's not going
6 to be a huge document.

7 JUDGE LAM: But what about the length of the
8 attachments?

9 MR. O'NEILL: They'll be very lengthy, because
10 there will be any number of affidavits. I would think in
11 the order of - - and I listed them in the discovery
12 materials, so Ms. Curran understands this, will be on the
13 order of eight to twelve affidavits, and then since - -
14 rather than repeat factual information that's already been
15 supplied to the parties and to the Board for that matter, I
16 think at least some of it. The license amendment
17 application, for example, I'm not going to repeat
18 information in there, so I will attach it, and have it
19 attested to so we can make sure that is information upon
20 which we can rely. So there will be a lot of that which
21 you've seen before, but the rules make it very clear that I
22 have to go through this process to insure that I can rely on
23 it.

24 JUDGE BOLLWERK: I just want to ask one other
25 question to establish - - in terms of affidavits or

1 attachments, what do you think you're looking at?

2 MS. UTTAL: I'm looking at seven affidavits. And
3 attachment, I can't estimate now. I've got a list of eight
4 for one affidavit.

5 JUDGE BOLLWERK: Okay. So they're going to be
6 fairly lengthy. What about you, Ms. Curran? Do you have a
7 sense of what you're going to be filing at this point?

8 MS. CURRAN: Well, there's two affidavits, and I'm
9 guessing thirty to fifty pages of the presentation itself,
10 and then a number of attachments.

11 JUDGE BOLLWERK: All right. Let me just ask one
12 other question, in a related mode. I take it since the
13 parties - - and it sounds like to me that all of you are
14 available on the twenty first? Ms. Curran, you are?

15 MS. CURRAN: Yes, I am.

16 JUDGE BOLLWERK: And Mr. O'Neill? And Ms. Uttal?

17 MR. O'NEILL: Yes, Sir.

18 MS. UTTAL: Yes, sir.

19 JUDGE BOLLWERK: And I take it you think this
20 argument can be done in one day given you put it on a
21 Friday. Is that the sense I'm getting from everyone? Ms.
22 Curran, I'll - -

23 MS. CURRAN: I think so.

24 JUDGE BOLLWERK: This one we ought to maybe start
25 at nine O'clock to make sure we can get out of there in a

1 reasonable period in the afternoon?

2 MS. CURRAN: Yeah.

3 JUDGE BOLLWERK: Okay. If someone has another
4 thought, you can tell me. I'm just trying to work this in
5 since it's on a Friday. We can go into the evening. I have
6 no problem with that. But - -

7 JUDGE LAM: Or a Saturday - -

8 MS. UTTAL: I have a couple of problems with going
9 into the evening and Saturday morning. I have two children
10 at home, and my husband will be on travel. And then that
11 Sunday I'm going away for a week.

12 JUDGE BOLLWERK: So that means we need to get done
13 on a Friday, right?

14 MR. O'NEILL: I can't imagine that an argument is
15 going to take more than a full day, because everything is
16 really going to be set out in the pleadings. We'll
17 essentially be responding to the burden that the intervenor
18 has, and answering any questions of the Board. But you can
19 do Court of Appeals arguments in twenty minutes.

20 JUDGE BOLLWERK: Right, or you can do them in
21 three hours, but those aren't the norm.

22 MR. O'NEILL: That's right.

23 MS. CURRAN: I agree with John. I think we'll be
24 assuming that the Board's familiar with all the material
25 that we're putting in writing, and what we'll be doing is

1 emphasizing, clarifying, responding, and I would think that
2 three hours per issue would do it.

3 JUDGE BOLLWERK: All right. So that's basically a
4 morning and afternoon.

5 MS. CURRAN: Yeah.

6 JUDGE BOLLWERK: All right. Would someone have a
7 problem with starting at nine O'clock, would that cause a
8 problem with your daycare or whatever problems you have?

9 MS. UTTAL: It might. My daughter's bus doesn't
10 come until eight fifteen.

11 JUDGE BOLLWERK: Okay. Shall we say we can start
12 at Nine thirty then? Ms. Curran will that cause you a
13 problem?

14 MS. CURRAN: That's fine.

15 JUDGE BOLLWERK: Mr. O'Neill?

16 MR. O'NEILL: That's fine.

17 JUDGE BOLLWERK: All right. Well, at this point I
18 guess we need to give some consideration to setting the date
19 for the filing and checking our calendar to make sure that
20 the twenty first is not going to be a problem back in the
21 district. Back in Rockwell, I should say.

22 Anything else, Ms. Curran, you need to bring to
23 the Board's attention while we're here?

24 MS. CURRAN: Yeah. I just want to emphasize that
25 I really, I am not going to be able to work on this project

1 at all between the eighth and the seventeenth. And it's not
2 that I'm going to be too busy lying on a beach. So I hope
3 the Board will take that into consideration.

4 JUDGE BOLLWERK: All right. We've gotten that
5 message.

6 MS. CURRAN: Okay.

7 JUDGE BOLLWERK: Mr. O'Neill, anything you want to
8 bring to the Board's attention? Ms. Uttal?

9 MR. O'NEILL: No, Sir.

10 MS. UTTAL: No, sir.

11 JUDGE BOLLWERK: Then Ms. Curran, I appreciate
12 your making yourself available to us this afternoon. And
13 we're about to start the limited appearance sessions here in
14 about another fifteen minutes.

15 MS. CURRAN: Okay. Thank you for calling. I
16 appreciate your doing that.

17 JUDGE BOLLWERK: Thank you very much. And we're
18 adjourned.

19 [Whereupon, the conference call was concluded.]
20
21
22
23
24
25

REPORTER'S CERTIFICATE

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

NAME OF PROCEEDING: CONFERENCE CALL OF
CAROLINA POWER & LIGHT
COMPANY

CASE NUMBER:

PLACE OF PROCEEDING: Chapel Hill, NC

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



Bob Addington

Official Reporter

Ann Riley & Associates, Ltd.