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Title: Duke Energy Corporation, McGuire Nuclear
Station, Units 1&2, and Catawba Nuclear
Station, Units 1&2

Docket Number: 50-413-LR, 50-414-LR, 50-369-LR, 50-370-LR

Location: (Telephone Conference)

Date: Tuesday, October 30, 2001

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

LICENSING RENEWAL

TELEPHONE CONFERENCE ON MOTION FOR EXTENSION

-----X

In the matter of : Docket Nos

DUKE ENERGY CORPORATION : 50-413-LR

(McGuire Nuclear Station, Units 1 & 2, : 50-414-LR.

Catawba Nuclear Station, Units 1 & 2) : 50-369-LR

: 50-370-LR

-----X

Tuesday,

October 30, 2001

The above-entitled matter came on for hearing,
pursuant to notice, at 9:30 a.m.

BEFORE:

THE HONORABLE ANN MARSHALL YOUNG, Chair

THE HONORABLE CHARLES N. KELBER

THE HONORABLE LESTER S. RUBENSTEIN

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1 APPEARANCES:

2 On Behalf of the Intervenor:

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10 On Behalf of Duke Energy Corp.:

11 DAVID A. REPKA, ESQ.

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16 LISA F. VAUGHN, ESQ.

17 of: Duke Energy Corporation

18 422 South Church Street

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On Behalf of the Agency:

SUSAN L. UTTAL, ESQ.

ANTONIO FERNANDEZ, ESQ.

Office of the General Counsel

Mail Stop-0-14D21

of: U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001

ALSO PRESENT:

BOB GILL, Duke Energy Corp.

BILL MILLER, Duke Energy Corp.

ANN CUNNINGHAM

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

9:39 A.M.

CHAIR YOUNG: I'm thinking we have everyone except Ms. Zeller. Is that correct? Is Ms. Zeller there?

Let's see, then for the staff we have Ms. Uttal and Mr. Fernández. For Duke Energy we have Lisa Vaughn and Mr. Repka. And we have Judge Rubenstein and Judge Kelber and I are all on. So we're waiting for Janet Zeller. If we don't hear from her in a minute.

MS. OLSON: Mary Olson has signed on.

CHAIR YOUNG: Right. I didn't mention you, because I had mentioned you at the beginning. Thank you.

MR. REPKA: And Judge Young, this is David Repka. With me in my office is Ann Cunningham as well.

CHAIR YOUNG: Thank you.

Ms. Olson, have you spoken with Ms. Zeller?

MS. OLSON: No, I have not today.

MS. VAUGHN: Judge Young?

CHAIR YOUNG: Yes.

MS. VAUGHN: This is Lisa Vaughn. I have

1 in my office with me Bob Gill and Bill Miller with our
2 license renewal team.

3 CHAIR YOUNG: Okay.

4 JUDGE KELBER: This is Judge Kelber.

5 Is that a generic team or are they
6 specific for this application?

7 MR. GILL: This is Bob Gill, Judge. We
8 are specific on McGuire/Catawba license renewal
9 project team.

10 JUDGE KELBER: Fine. Right people to
11 have. Thank you.

12 MR. BILL: Bill's on the environmental
13 side and I handle some of the safety communications.

14 JUDGE KELBER: All right. Fine.

15 CHAIR YOUNG: Let me go just one more time
16 to make sure I've got it right. For staff we have
17 Susan Uttal and Antonio Fernàndez.

18 For Duke we have Lisa Vaughn who has with
19 her Bob Gill and Bill Miller.

20 And David Repka who has with him Ann
21 Cunningham.

22 For NIRS we have Mary Olson and we're
23 waiting to hear from Janet Zeller of BREDL.

24 Is there anyone else that we're waiting to
25 hear from that anyone is waiting to hear from? It

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1 doesn't sound like it.

2 JUDGE KELBER: While we're waiting to go
3 on the record, I should remark that our mail room is
4 still closed for checking and cleaning. So anything
5 that is on paper has not gotten to us.

6 MS. OLSON: I did put my motion out
7 yesterday by email and it did go into U.S. Post this
8 morning.

9 CHAIR YOUNG: Okay. We got your email
10 last -- did everyone get the email motion?

11 MR. REPKA: Yes, we did.

12 MR. FERNANDEZ: I did.

13 CHAIR YOUNG: We may as well go on the
14 record. And since it's NIRS' motion, we can -- if Ms.
15 Zeller joins us as we go, then that's fine. Otherwise
16 we can just notify her of anything that occurs in her
17 absence. Because I'm sure she got notice, at least we
18 didn't get a return email saying that it didn't get to
19 her.

20 Let's assume the record started when I
21 listed everyone that was present.

22 CHAIR YOUNG: Ms. Olson, I was just going
23 to ask you, when you have or if you have talked to Ms.
24 Zeller, do you have any idea of what her intention was
25 in terms of participating today?

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1 MS. OLSON: I'm sorry. The last time I
2 spoke with her was at the Catawba scoping meeting, and
3 there were many people rushing to speak to each of us
4 afterwards. So, we didn't discuss this at all. And
5 since then between my leave time and her schedule, we
6 haven't spoken, so I don't know.

7 CHAIR YOUNG: Okay.

8 MS. OLSON: I do have a clarifying
9 question, though. I wasn't sure whether this call was
10 only on the motion to extend time or whether it was
11 also on the petition to dismiss?

12 CHAIR YOUNG: No. The petition to dismiss
13 is to the Commission and my assumption and I think the
14 Board's assumption has been that the Commission will
15 do with that whatever it does, but that that was not
16 directed to the Board.

17 MS. OLSON: Okay. I wasn't sure from your
18 order that it mentioned that it had been sent to the
19 wrong Board, how that intersected with this process.
20 So thank you for the clarification.

21 CHAIR YOUNG: No, thank you. The only
22 intent of that was that Judge Kelber had received it
23 because he's also on the other Board, who mentioned it
24 to me. And just for informational purposes, I hadn't
25 gotten it, so we wanted to let everyone know that if

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1 you want to let us know what's going on, either by
2 filing by documents with us or by sending us copies of
3 documents that otherwise relate to the proceeding,
4 unless you send it to the right Board we won't get it.

5 MS. OLSON: Okay. This is Mary Olson
6 again just stating that we will be filing a response,
7 but I will take care to file that to the Commission
8 and cc all of you.

9 CHAIR YOUNG: Okay. Great.

10 And also, just another little cleanup
11 thing. In the order that I issued the 25th Judge
12 Rubenstein has a new email address, and so for
13 everyone make sure that you're using his new email
14 address.

15 JUDGE RUBENSTEIN: This is Judge
16 Rubenstein.

17 It's lesrrrr@msn.com.

18 CHAIR YOUNG: Is that case sensitive at
19 all?

20 JUDGE RUBENSTEIN: No, it's not.

21 MS. OLSON: And I have a request. This is
22 Mary Olson.

23 The service list keep changing, and I
24 think I'm guilty of not having quite a correct
25 certificate of service on my last posting. It

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1 apparently wasn't phased to the hard drive anyway.
2 One of those little technological things that went out
3 this morning in full form, but I'm afraid that it
4 doesn't have maybe all the people on it that it
5 should, because I used a list that had come into me.
6 I'm just confused as to who all we're supposed to be
7 serving. So, if we could standardize that a little
8 bit at this point and somehow distribute it, that
9 would be helpful to me.

10 Some people on the email distributions
11 that I have no idea who they are because they're, you
12 know, on an email address there's not a lot of clue.

13 CHAIR YOUNG: Well, I guess the three
14 judges; myself, Judge Young, Judge Kelber and Judge
15 Rubenstein. And then for the staff Ms. Uttal. I
16 don't know whether I have got Mr. Fernández on my
17 service list or not, because I don't have it right
18 here with me.

19 Mr. Fernández, do you want to be on the
20 service list as well as Ms. Uttal?

21 MR. FERNANDEZ: Yes, we both made
22 appearances on the case.

23 CHAIR YOUNG: Okay. Then you probably
24 are. Did you get your own email copy of the --

25 MR. FERNANDEZ: Yes.

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1 CHAIR YOUNG: Okay. Then you're on my
2 mine.

3 And the email address addresses for the
4 NRC generally have initial @nrc.gov. So you can tell--

5 MS. OLSON: There's an ajk2 that's been
6 listed, and I've been serving them but I don't know
7 who they are.

8 CHAIR YOUNG: Okay. The ajk2 is a
9 secretary in our office who keeps up with filings.
10 There's also a jmc3, I think it is, who is the person
11 who handles our computer and putting documents on
12 ADAMS. Hearing docket is the Commission Secretary's
13 office. Then Mr. Repka, Ms. Cunningham and I think --

14 MR. REPKA: And Ms. Vaughn for Duke
15 Energy. We have all entered appearances. This is Mr.
16 Repka speaking.

17 CHAIR YOUNG: I'm sorry, who else did you
18 say. Melinda Mersa?

19 MR. REPKA: Ms. Vaughn, Lisa Vaughn.

20 CHAIR YOUNG: And Ms. Vaughn. I'm not
21 sure -- I think, Ms. Vaughn, you've been getting
22 things from -- you've been getting orders from me,
23 haven't you?

24 MS. VAUGHN: Yes, ma'am.

25 CHAIR YOUNG: I'm not absolutely sure that

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1 I've added Melinda Mersa and then Ms. Olson for NIRS
2 and Ms. Zeller for BREDL.

3 MS. OLSON: This is Mary Olson. We be
4 serving Ms. Cleffman or not? Like I didn't have him
5 on the service list this morning and then I saw him on
6 the email list.

7 CHAIR YOUNG: Ms. Tuckman is --

8 MR. REPKA: That's not necessary. This is
9 Dave Repka.

10 She's represented by counsel, that's not
11 necessary.

12 MS. OLSON: Okay.

13 CHAIR YOUNG: Okay. All right. Are there
14 any other preliminary matters before we talk about the
15 motion? Okay.

16 Then let me just tell you information that
17 I learned this morning, and then I'd like to ask the
18 staff and Duke to respond to the motion. And then if
19 -- is that another person being added on? Does anyone
20 know what that was?

21 MR. FERNANDEZ: No, that was my cell
22 phone, Your Honor.

23 CHAIR YOUNG: Oh, okay.

24 MR. FERNANDEZ: Sorry.

25 CHAIR YOUNG: And then after we hear

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1 responses, Ms. Olson, if you want to say anything in
2 addition, we'll hear from you and then we can talk
3 about any timing issues that arise.

4 I made a call this morning to the Public
5 Affairs Office and spoke to Victor Dricks there. Or
6 he called me back. And I went through all the items
7 listed, one through seven listed in the motion and
8 read those to him, and asked him whether they were
9 available on the NRC website at this point. And if
10 not, when they would be available. And he told me
11 that none of them were available and he did not have
12 any idea when they would be available.

13 And he specifically went and checked on
14 the generic environmental impact statement since Ms.
15 Uttal has said that that should have been up
16 yesterday. According to Mr. Dricks it's not, and he
17 does not know when it will be available.

18 As I understand it --

19 MS. UTTAL: Your Honor?

20 CHAIR YOUNG: Yes.

21 MS. UTTAL: I checked -- this is Susan
22 Uttal.

23 I checked the website this morning, and
24 the GEIS appears to be up.

25 CHAIR YOUNG: Can you check it in a way to

1 see what's available to the public? Because I know
2 that we can get some things that the public cannot
3 get.

4 MS. UTTAL: I checked. There's a link to
5 the public website. And I checked on the public
6 website and it listed the GEIS.

7 JUDGE RUBENSTEIN: Did you use a password
8 or did you put in your own --

9 MS. UTTAL: No, I didn't go through ADAMS.
10 I went through the link that links to the public
11 website.

12 JUDGE RUBENSTEIN: Okay. Thank you.

13 MR. REPKA: Judge, this is Dave Repka.

14 I have been told by our folks here that
15 it's up as well. They were able to access it.

16 CHAIR YOUNG: The generic environmental
17 impact statement.

18 MR. REPKA: I haven't done that
19 personally, but I have that on information and belief.

20 MR. REPKA: And you're referring to the
21 GEIS?

22 MR. REPKA: That's correct.

23 CHAIR YOUNG: Okay. Ms. Olson, were you
24 able to get it?

25 MS. OLSON: I regret that this morning I

1 was serving everybody by mail instead of trying to get
2 on the NRC website. But as of close of business
3 yesterday, it was not available and I had made several
4 phone calls to NRC about it and had been assured that
5 it would be and have been pleased with the responses
6 in relation to that one document, but I myself have
7 not been able to confirm.

8 JUDGE KELBER: Ms. Uttal, this is Judge
9 Kelber.

10 Could you please give us the actual
11 address that you used starting with www.nrc.gov? What
12 do you do next?

13 MS. UTTAL: Your Honor, I went on it at my
14 PC station and I went through my PC to the internal
15 website, which has a link to what is now the public
16 website, and that's how I got on it.

17 JUDGE KELBER: But does that have the
18 extension www.nrc.gov:201?

19 MS. UTTAL: I'm sorry, Judge Kelber, I
20 don't know. I didn't check the address because I went-
21 -

22 JUDGE KELBER: I think that is not
23 actually the website that the public goes to. That's
24 the problem.

25 MS. UTTAL: Well, it is a link to our

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1 public website, and I can check the address and get
2 back to the Board with that information. I don't have
3 a PC in the room where I am now.

4 JUDGE RUBENSTEIN: This is Judge
5 Rubenstein.

6 Why doesn't Ms. Olson try and access it,
7 and if she can't access, get back to her.

8 MS. OLSON: Okay. Except for I only have
9 one phone line, so I would have to --

10 JUDGE RUBENSTEIN: Not right now.

11 MS. OLSON: Not right now. Okay.

12 CHAIR YOUNG: Okay. So there is some
13 question about GEIS.

14 JUDGE KELBER: Judge Kelber again.

15 When you did log onto the site, how did
16 you find the GEIS?

17 MS. UTTAL: There's a link that says, I
18 believe, reactor licensing, something like that. And
19 then it links you to a page where the GEIS -- link to
20 where the GEIS is located.

21 Now, I must admit, I didn't go onto that
22 link, but I did see the GEIS listed.

23 JUDGE KELBER: Okay.

24 MS. UTTAL: So there are links to it.

25 JUDGE KELBER: I will volunteer to go

1 across the hall to my office and I will try it through
2 the public website.

3 MR. REPKA: Judge Kelber, this is Dave
4 Repka. I'm on the NRC webpage right now, and as far
5 as I can tell, it's here.

6 JUDGE KELBER: Okay. Good. That's good
7 enough. Thank you very much.

8 CHAIR YOUNG: You've actually called it up
9 and you're looking at it?

10 MR. REPKA: Yes, I am. I'm looking at the
11 table of contents. Yes, it's here. I'm actually
12 looking at it.

13 JUDGE KELBER: Thank you very much, sir.

14 CHAIR YOUNG: Okay. Just for the record,
15 and I want to ask anyone from the staff or anyone else
16 to correct me if I'm wrong, but my understanding of
17 the situation with the website is that taking it down
18 was, obviously, necessitated by the events starting on
19 September 11 and that it's being -- and the
20 information that's been taken down, is being gone
21 through for security risk information and as it's
22 cleared of any security risks, so to speak, it's being
23 put back up in segments as it's completed.

24 Does anyone have any different information
25 than that?

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1 MR. REPKA: Judge, this is Dave Repka
2 again.

3 I think that that information is generally
4 correct, as far as I know. However, if you look at
5 the list of the seven categories of documents, I think
6 it's inaccurate to presume that all of that
7 information was on the website to begin with. Some of
8 that information was available through ADAMS and
9 through BRS, not necessarily on the webpage.

10 So, there may be a little bit of
11 disconnect to assume that all of this will someday
12 appear back on the web. It appear only through ADAMS
13 or BRS.

14 CHAIR YOUNG: Let me interrupt you for a
15 second. As far as my understanding, I'm also led to
16 believe that the only way to get into ADAMS is through
17 the website.

18 MR. REPKA: And the link to ADAMS through
19 the website is there and has been there for some time.

20 CHAIR YOUNG: But have not documents been
21 taken off ADAMS in this process that I described such
22 that even if you could get through ADAMS, all the
23 documents that were previously there are not there at
24 this point?

25 MR. REPKA: No. My information is that

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1 ADAMS was available and documents -- and, in fact,
2 there was some controversy, apparently, in the trade
3 press about the website being not available and ADAMS
4 being available. And then at one point you could call
5 the PDR, get the link to ADAMS or ask the PDR to
6 locate a particular document, and they might screen
7 the document when requested. But there's been a
8 difference as to the availability of ADAMS versus the
9 availability of the website.

10 MS.UTTAL: This is Susan Uttal.

11 It's my understanding that ADAMS has been
12 available all this time, as some documents may have
13 been taken off, but unless Ms. Olson checks for the
14 document she wants, I do not know whether any of the
15 documents she's seeking have been taken off.

16 I personally checked several documents;
17 all the guidance regarding license renewal, NUREGs,
18 the NUREGs and the reg guides are on ADAMS and are
19 available.

20 CHAIR YOUNG: I guess I'm a little
21 confused at this point, because that conflicts with
22 the information that I got this morning from the
23 Public Affairs person who gives out information on
24 availability. Because I asked him if these things are
25 not on the website, is there any other way like

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1 through ADAMS. I think I specified to him that they
2 could be accessed, and he responded that there was
3 not.

4 And my understanding was that the process
5 that applied to the website also applied ADAMS in
6 terms of screening documents for security risk
7 information.

8 MR. REPKA: This is Dave Repka again. I'm
9 not sure that's entirely true, but some of the
10 specific documents requested, for example, NRC
11 inspection manuals, what my experience has been is
12 that the PDR maintains those and they have not
13 necessarily retrofitted all inspection manuals to
14 ADAMS, but the updates are on ADAMS. And the earlier
15 versions would have been available through BRS and the
16 PDR. Generic communication such as information
17 notices and things, those again are not necessarily on
18 the webpage and they're not necessarily retrofitted to
19 ADAMS, but they were available and are available on
20 the PDR through hard copy or by calling the PDR to
21 obtain copies.

22 The reg guides, for example, are also not
23 necessarily retrofitted to ADAMS, but they were
24 available through other sources. All of these
25 documents with respect to license renewal and aging

1 related issues, I think as Ms. Uttal is alluding to,
2 have been rolled into the Generic Aging Lessons
3 Learned report and the staff's in a review plan for
4 license renewal, and that is a document that has been
5 available, and is available I believe on ADAMS.

6 JUDGE RUBENSTEIN: Excuse me. What
7 document is that?

8 MR. REPKA: It's known as the GALL report,
9 the Generic Aging Lessons Learned report. And that's
10 really the roll up of experiencing guidance on license
11 renewal.

12 JUDGE RUBENSTEIN: I've heard of that.
13 Thank you very much.

14 CHAIR YOUNG: Please tell me what BRS
15 stands for?

16 MR. REPKA: You know, I really don't know
17 what BRS stands for, but it's a system that predates
18 ADAMS for public records.

19 CHAIR YOUNG: Does anyone else know what
20 it is?

21 MS. UTTAL: I don't know what it is. This
22 is Susan Uttal. I don't know what it is, Your Honor.

23 CHAIR YOUNG: How do you get access to it,
24 Mr. Repka?

25 MR. REPKA: I believe you get access by

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1 through the PDR and they establish a link. They'll
2 establish a link to BRS. Again, I know that's
3 something we do here and the mechanics of it, I can't
4 explain it all to you other than you have to call the
5 PDR.

6 CHAIR YOUNG: You're not talking about
7 internet access. You're talking about calling the PDR
8 or going to the PDR --

9 MR. REPKA: No. I'm talking about calling
10 the PDR to get access to be BRS, which is available
11 through the internet.

12 JUDGE RUBENSTEIN: This is Judge
13 Rubenstein. I think that's on what they call the
14 public electric reading, and you can access BRS
15 through that. When you get into that file, quite
16 often you have both ADAMS and BRS, if I remember.

17 CHAIR YOUNG: Is it PRS or BRS.

18 MR. REPKA: B as in bravo.

19 CHAIR YOUNG: BRS.

20 MR. REPKA: In fact, if you go to the
21 website, and I've misplaced my piece of paper, but it
22 gives you -- on the public website as of yesterday
23 there was a description of how to contact the PDR,
24 what the PDR services are, a toll free telephone
25 number to call in order to do that. And it says the

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1 PDR -- here, I have it.

2 This is off the web. It says the PDR
3 staff can also help with ADAMS and BRS installation
4 and access questions, arranging ADAMS or BRS training,
5 etcetera, etcetera. Conducting searches for -- but
6 there are many services available through the PDR,
7 notwithstanding the webpage issue.

8 CHAIR YOUNG: Okay. I guess at this point
9 having received conflicting information, I'm somewhat
10 uncertain about what is and is not available to the
11 public at this point. Perhaps it might be good to
12 hear your formal responses, oral responses to the
13 motion for extension.

14 Obviously, we've gotten Ms. Uttal's email
15 saying that you do not object to an extension of three
16 weeks based on the GEIS being available, assuming that
17 it is in fact available, and it sounds like it is, at
18 least today.

19 Apart from that, Ms. Uttal or Mr.
20 Fernàndez, would you like to give your response?

21 MS. UTTAL: Well, Your Honor, I just
22 received this motion this morning. I was not in the
23 office yesterday, so I'll respond based on whatever is
24 able to address.

25 Ms. Olson does not indicate in her motion

1 whether she has attempted to obtain any of the
2 documents she says are essential, and that is a
3 failing of the motion. I think if she were to do
4 that, that she would find that more of the documents
5 are available than not. I think that the staff's
6 agreement to a three week extension is generous and it
7 will give her time to obtain the documents necessary
8 to address the adequacy of the licensee's application,
9 which is the issue in this proceeding.

10 She has the generic environmental impact
11 statement, she has the application, which is available
12 on ADAMS and in the local public library.

13 The guidance documents are available on
14 ADAMS. Some of the other documents are available on
15 ADAMS. And I think that what is available will be
16 sufficient to address the adequacy of the application.

17 CHAIR YOUNG: I'd like to hear a couple
18 more things from you, and then maybe before we hear
19 from Duke, hear from Ms. Olson what attempts she has
20 made. But you say that some of the items are
21 available and those should be enough.

22 Can you just go through these one by one
23 and tell us to your knowledge what is available and
24 what is not available, and with regard to those that
25 are not available, why they would not be something

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1 that a petitioner would need?

2 MS. UTTAL: Your Honor, as I said, the
3 GEIS is available. That's NUREG 1437. The guidance
4 documents for license renewal applications are
5 available, that would be NUREG 1555.

6 CHAIR YOUNG: Now wait, hold on. Would
7 you please tie these to the numbers that she has. Are
8 you talking about number five, the reg guide?

9 MS. UTTAL: Now, I have not checked
10 everything. I can only tell you what I have -- what
11 I have looked at.

12 CHAIR YOUNG: When you say the guide
13 documents, what are you referring to as Ms. Olson has
14 looked at things in her motion?

15 MS. UTTAL: Well, I'm referring to the
16 standard review plan on safety issues and the
17 environmental issues having to do with license
18 renewal. The reg guide for license renewal. That's
19 reg guide 1.188.

20 CHAIR YOUNG: Hold on just a second. What
21 I'd like you to do is tell me which number of Ms.
22 Olson's list of documents you're talking about, and
23 then specify what is available and what is not
24 available.

25 MS. UTTAL: As I said to you, Your Honor,

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1 I did not -- I just got this motion this morning and
2 I didn't not a thorough checking.

3 CHAIR YOUNG: Well, just tell us what you
4 know and what you don't know then with regard to each
5 one.

6 It's helpful to all be on the same page.
7 So if you're talking about something and we tie it to
8 one of the things that's listed, then it's likely that
9 we're all going to understand each other.

10 MS. UTTAL: Okay. Well, as we've
11 discussed before, number 7, as you know, is
12 environmental impact statement is available.

13 Under number 5 the regulatory guides I
14 would think that the standard review plans would come
15 under that paragraph.

16 JUDGE RUBENSTEIN: Excuse me. This is
17 Judge Rubenstein.

18 The SRP, the study review plan, we'd
19 reference NUREG. so your question is are the relevant
20 new regs available.

21 MS. UTTAL: As far as I know the new regs
22 that I cited to you are available to the public.

23 CHAIR YOUNG: Those again.

24 MS. UTTAL: NUREG 1437, that's the GEIS.
25 NUREG 1555. NUREG 1800. NUREG 1801. NUREG 1739.

1 Reg guide 1.188.

2 Now, I don't know what other NUREGs are
3 available. These are the only ones I tend to look at
4 because they're the ones that are related to license
5 renewal.

6 CHAIR YOUNG: Reg guide 1.188

7 MS. UTTAL: Yes.

8 CHAIR YOUNG: Okay. So that addresses
9 what you know is available as included in Ms. Olson's
10 numbers 5 and 6?

11 MS. UTTAL: The regulatory guide, the
12 staff guidance on how to meet and manage aging and
13 license renewal, yes.

14 CHAIR YOUNG: With regard to 6, does that
15 include technical reports?

16 MS. UTTAL: I have not looked into that,
17 Your Honor.

18 CHAIR YOUNG: Okay. So you don't know
19 whether those are available?

20 MS. UTTAL: I'm sure that there are some
21 available through ADAMS and the PDR, but I can't give
22 you specific. Ms. Olson has not indicated which
23 technical reports she's referring to, so there's no
24 way for me to answer that at this point, especially
25 since I haven't looked into it.

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1 CHAIR YOUNG: And number 4? Okay. It's
2 my understanding that -- let me get my piece of paper.
3 The CRDM cracking and responses are all available to
4 the public?

5 MS. UTTAL: On ADAMS. And that is -- has
6 to do with the control rod drive mechanism, vessel
7 head penetration cracking issue.

8 CHAIR YOUNG: And does everyone else agree
9 that that is available -- it's your understanding?

10 MS. UTTAL: I haven't personally checked
11 it out, but my understanding that it is available.

12 CHAIR YOUNG: And then the historic
13 account of generic communications such as information
14 notices, bulletins and generic notices that relate to
15 pertinent areas of licensing conditions as age
16 related degradation?

17 MS. UTTAL: Your Honor, there are a
18 variety of such documents on ADAMS and available in
19 the PDR, on hard copy and microfiche.

20 JUDGE KELBER: The GALL reports would be
21 a compendium of such?

22 MS. UTTAL: The GALL report, I believe, is
23 NUREG 1739.

24 JUDGE KELBER: And that would be a
25 compendium of these generic communications, etcetera?

1 MS. UTTAL: I don't know. I don't --

2 MR. REPKA: Judge Kelber, this is Dave
3 Repka.

4 GALL report is NUREGs 1801.

5 MS. UTTAL: Okay.

6 MR. REPKA: And that is a compendium, a
7 roll up of Aging Lessons Learned.

8 CHAIR YOUNG: Okay. And then the
9 inspection manuals?

10 MS. UTTAL: The NRC inspection manual is
11 available through the PDR in paper copy. I don't know
12 at this moment where else it might be available.

13 CHAIR YOUNG: Okay. And the daily event
14 report?

15 MS. UTTAL: I don't know where those are
16 available, Your Honor.

17 CHAIR YOUNG: Okay. Thank you for going
18 through the list.

19 Any other response to the motion from the
20 staff?

21 MS. UTTAL: Not at the moment, Your Honor.

22 CHAIR YOUNG: Who for Duke wants to give
23 your response?

24 MR. REPKA: This is Dave Repka. I'll do
25 that.

1 CHAIR YOUNG: Okay. Thanks.

2 MR. REPKA: Duke Energy opposes the
3 motion.

4 Let me just say first we received the
5 request for what our position would be for the first
6 time on Friday. At that point there was no indication
7 of how much time was being asked for, and how much --
8 what particular documents were claimed to be needed.
9 So at that point it's very difficult to take any
10 position on a request for an extension of time that's
11 couched in terms like that.

12 We then got the actual motions with a
13 little more detail late in the day yesterday, which in
14 anticipation of this call at 9:30, which I think is
15 from a procedural standpoint completely inadequate to
16 allow us to respond in detail.

17 CHAIR YOUNG: Let me interrupt you for a
18 minute, Mr. Repka.

19 We are on an extremely tight schedule in
20 this case. And so we are going to have to all
21 understand that in order to move this case along, as
22 the rate that has been set for it, everyone's going to
23 have to be willing to be available to respond to
24 things quickly in terms simply of scheduling travel
25 plans.

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1 Right now, for example, I'm trying to
2 decide whether to take some time off between Christmas
3 and New Year's or Thanksgiving, or Martin Luther King
4 holiday. Everyone has circumstances there, and so I
5 guess what I'm trying to tell you is we're all under
6 these tight time lines, so saying that you just got it
7 yesterday when we had the conference call this morning
8 is not particularly helpful.

9 MR. REPKA: Well, my position on that
10 would be that if we're going to get a request for more
11 time, the basics ought to be provided to us up front,
12 which it was not done in this case.

13 Beyond that, getting to the merits of the
14 motion, the fact is we are on an extremely tight time
15 schedule. The Commission's expectations are very
16 clear on that and the standard of extreme and
17 unavoidable circumstances have been made very clear by
18 the Commission.

19 We recognize that the events of September
20 11 were very strange, and I recognize that the
21 Commission's decision on October 11 to take certain
22 information off their webpage is certainly unusual.
23 However, I don't agree that the impacts are near
24 extreme and unavoidable.

25 The application that's at issue here was

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1 filed on June 13th. The public notice was on August
2 15th. NIRS filed their petition stating the various
3 areas of interest on September 14th.

4 Certainly ADAMS, BRS, the webpage were all
5 available at that time. NIRS is part of a very large
6 national organization that has been involved in
7 nuclear issues for over 20 years. They're certainly
8 interested in license renewal. And the generic
9 environmental impact statement is something that was
10 issued in 1995. I think it's a little disingenuous
11 with respect to that document to state that because it
12 vanished from the webpage on October 11th that you're
13 unable to get a copy, I think is just simply non-
14 persuasive.

15 Having said that, looking at the list of
16 documents for that, we believe that it's really a
17 combination of things that -- really two factors
18 underlie this. A lot of this information is available
19 and has been available from sources other than the
20 web. And number two is there's no demonstrated
21 attempt to get this information from any source. And
22 three, the demonstrated need for a lot of this
23 information.

24 Taking that sort of one thing at a time,
25 again we've already talked about the fact that the web

1 page was available until October 11th and has been
2 available, and was only unavailable for a limited
3 amount of time. But --

4 CHAIR YOUNG: Mr. Repka, I want to
5 interrupt you again, because the Public Affairs Office
6 in saying that there are still large portions of what
7 was previously available on the site that are not
8 available at this point. So maybe you could help us
9 out by going through the list one-by-one and tell us
10 what you know about the availability and how it would
11 be available.

12 MR. REPKA: I am happy to do that, but
13 again let's not confuse the website with the other
14 available opportunities to get the documents, ADAMS,
15 BRS and the PDR.

16 Having said that, taking a look at daily
17 event reports, the daily event reports was information
18 that was added to the web as a feature by the NRC, and
19 it has been removed from the web and may never go back
20 to the web before security reasons. So, to say that--
21 you know, the real question is is the daily event
22 reports is something that is necessary to frame
23 contentions to this proceedings, and I don't think
24 that they are. And to say it's not available, given
25 that it may never be available again, is simply not a

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1 valid basis to ask for relief.

2 With respect to the inspection manuals,
3 again, the inspection manuals themselves were never
4 something that were necessarily on the website.
5 That's information that was available in the PDR
6 through hard copy, through BRS and the updates, the
7 more recent updates are available on ADAMS. The
8 historic account of generic communication, might
9 information is that all of that information is
10 available in the PDR through hard copy has been -- may
11 or may not be on ADAMS depending upon its date, ADAMS
12 having a 1999 -- sometimes in 1999 date.

13 CHAIR YOUNG: Again, maybe to show my
14 ignorance but, Mr. Repka, if I'm getting information
15 from one place saying that the only way to get to
16 ADAMS is through the website for members of the
17 public, how else to get to ADAMS.

18 MR. REPKA: But the way to get to the
19 website is without -- the link to ADAMS, I believe, is
20 there now, but I can't say that. But --

21 JUDGE RUBENSTEIN: This is Judge
22 Rubenstein.

23 While we were talking I accessed ADAMS
24 through the website using a password.

25 MS. OLSON: This is Mary Olson. That has

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1 just come back in the last couple of days.

2 JUDGE RUBENSTEIN: That's true, but it is
3 available now.

4 MR. REPKA: And what I'm told is that we
5 have been able to access ADAMS by calling the PDR and
6 having them establish a link, even prior to the link
7 being created on the webpage. So taking a little
8 initiative we were able to get the link provided.

9 Beyond that, as I already said, with
10 respect to the generic communications information
11 notices and other things related to age related
12 degradation, the real documents of interest here are
13 the GALL report, the standard review plan on license
14 renewal; those are the roll ups of the experience.
15 And, again, almost certainly NIRS, the national
16 organization, have that information. And it would
17 certainly be available from the NRC. I'm quite
18 certain by making a phone call to the appropriate
19 people.

20 With respect to issue number four, I
21 believe what Ms. Uttal said is correct; that
22 information should be on ADAMS.

23 Regulatory guides and how licensees are to
24 manage aging issues, again, the real guidance on that
25 is the GALL report and its annual review plan, and the

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1 NUREG on licensing.

2 Technical reports to provide abstract of
3 a variety of NUREGs --

4 CHAIR YOUNG: I'm sorry. I missed the
5 last part. And the NUREG on?

6 MR. REPKA: And other NUREGs on license
7 renewal, like NUREG 1555.

8 CHAIR YOUNG: Go ahead.

9 MR. REPKA: The technical reports, I'm not
10 sure what number it alludes to, other than perhaps
11 some sort of index of technical reports. But, again,
12 that would be the sort of information that's ADAMS,
13 not necessarily on the webpage anyway.

14 And we've talked about number 7 the
15 generic environmental impact statement.

16 I think that it's -- I think that there's
17 a lot of information related to license renewal that's
18 out there. Again, the application has been available
19 since June. There has been -- we had a petition to
20 intervene in September expressing a lot of detail --
21 interest in detailed subjects. And to say that you
22 had those concerns without even looking at things like
23 the GALL report and the standard review plan on
24 license renewal I think is very unpersuasive in my
25 mind, especially given the extreme and unavoidable

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1 circumstances standard.

2 CHAIR YOUNG: All right. What about the
3 staff agreement to the three weeks?

4 MR. REPKA: Excuse me?

5 CHAIR YOUNG: What is your position with
6 regard to the staff's agreement to three weeks?

7 MR. REPKA: Well, since we oppose the
8 motion, we opposed the three weeks.

9 CHAIR YOUNG: I understand that you oppose
10 it. I wondered if you wanted to give me any reason for
11 your opposition to the three weeks?

12 MR. REPKA: I think the reasons for the
13 opposition to the three weeks are what I've just
14 enumerated, which is I don't think that there has been
15 a -- the burden of proof here is not on us. The
16 burden of proof is on the intervenor to show extreme
17 and unavoidable circumstances to show the lack -- a
18 real need for all of this information, which I think
19 it's almost like -- this is almost like an argument
20 that we need discovery before we write our contention.
21 And the contentions need to be drafted based upon the
22 application.

23 Given the real focus here, there's a lack
24 of need for the information and a lack of showing that
25 the information truly was unavoidable -- unavailable

1 in a way that was unavoidable. So, our position is
2 that the three weeks hasn't been justified.

3 CHAIR YOUNG: Before we go to Ms. Olson to
4 ask for her response to both -- to her motion, looking
5 at this from the standpoint of since the Commission
6 transferred this case to the licensing board panel and
7 since the panel was established and our original
8 October I think 16th order went out setting the
9 deadlines, and the unavailability of at least some of
10 these items until, say, yesterday and looking at it
11 not from the standpoint of the standard for obtaining
12 discovery and in light of the relatively strict
13 requirements for not only drafting contentions, but
14 supporting them with basis and fact; instead of
15 looking at the information that's listed as being
16 comparable to having access to a library so that you
17 can do your research and write your contentions and
18 provide the level of support and basis that the rules
19 require, it's your position as I understand it that
20 because some of these things were available prior to
21 the time the website went down even if they were
22 unavailable between the time the deadlines were set
23 until yesterday, should not play into our ruling on
24 the motion?

25 MR. REPKA: Judge, this is Dave Repka

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1 again.

2 I think that it's a combination of this
3 information was available prior to October 11 and some
4 of it was available even following October 11th through
5 other sources than the webpage. Some of this
6 information never stopped being available.

7 MS. UTTAL: Your Honor, this is Susan
8 Uttal.

9 As far as I know, the only document that
10 we're aware of that was completely unavailable was the
11 GEIS. The NUREGs that I cited before have been
12 available through ADAMS.

13 And I also have additional information
14 regarding the BRS if the Board would like to hear
15 about that.

16 CHAIR YOUNG: But let's back up to ADAMS
17 again. I thought a few minutes ago Judge Rubenstein
18 and Ms. Olson it was more or less agreed that ADAMS
19 was not available until the last couple of days
20 through the website.

21 MS. UTTAL: Your Honor, ADAMS was not
22 taken down at the same time the website. It may have
23 become unavailable for a few days or a shorter period
24 of time.

25 JUDGE RUBENSTEIN: This is Judge

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1 Rubenstein.

2 It was not available through the website,
3 but it certainly is now. And as we spoke, I got on
4 line and I'm looking at NUREG 1801 volume 1, Generic
5 Aging Lessons Learned. The GALL report is available.

6 CHAIR YOUNG: So we know that they're
7 available now. And I guess what I'm speaking to is
8 that is the time that they were unavailable.

9 MS. UTTAL: Well, the maximum period of
10 time would have been the time -- assuming then you
11 could only get into ADAMS if you were in the public
12 through the website, then it would have been the time
13 that the website was done, and it went down on October
14 11th and I believe that it came back in some fashion on
15 the 17th of October. So that would have been the
16 period of time that ADAMS was probably unavailable.

17 CHAIR YOUNG: Well, I thought we heard a
18 minute ago that they -- that ADAMS became available in
19 the last couple of days.

20 MS. UTTAL: I don't know the day that
21 ADAMS became available, but I can certainly find out.

22 CHAIR YOUNG: Okay. You were about to say
23 also something about the BRS.

24 MS. UTTAL: Yes. BRS stands for
25 bibliographic retrieval system, the system that

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1 predated ADAMS. And the public can obtain to it using
2 a modem. I have the phone number for it, which is 1-
3 800-270-2787 or through Telnet at brs.nrc.gov.

4 JUDGE RUBENSTEIN: This is Judge
5 Rubenstein.

6 The question is is that's what they call
7 the legacy slip system in public electronic reading
8 room?

9 MS. UTTAL: Your Honor, that is beyond my
10 knowledge.

11 JUDGE RUBENSTEIN: Okay. Okay.

12 JUDGE KELBER: This is Judge Kelber.

13 I don't think we want to confuse that with
14 what is called the legacy library in ADAMS, which is
15 far as I know is not yet established. Thank you, Mr.
16 Chairman.

17 JUDGE RUBENSTEIN: Okay.

18 JUDGE KELBER: Let me ask, has anyone
19 tried to access ADAMS without going through the
20 website? I think it's possible with the software that
21 is supplied by the NRC.

22 MS. UTTAL: Your Honor, this is Susan
23 Uttal.

24 I tried it from my home computer I was
25 able to access it.

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1 JUDGE KELBER: So have I been, but I just
2 was checking whether members of the public have --

3 MR. REPKA: And Judge Kelber, this is Dave
4 Repka again.

5 My understanding is that we in the office
6 have been able to access ADAMS in that fashion.

7 JUDGE KELBER: Thank you.

8 CHAIR YOUNG: And when was that?

9 MR. REPKA: Really throughout this period.
10 Whether there was a brief day or two delay when ADAMS
11 was not available, I can't say. But throughout the
12 October 11 to present period we have accessed ADAMS.

13 CHAIR YOUNG: Okay. Is there anything
14 more for Mr. Repka or Ms. Uttal?

15 MR. REPKA: Nothing for me.

16 MS. UTTAL: Nothing, Your Honor.

17 CHAIR YOUNG: Okay. Ms. Olson, you've
18 heard what the staff and Duke have said through their
19 counsels about what is presently available and may
20 have been available prior to today. Do go ahead and
21 respond to that, and also indicate since it's been
22 raised, what efforts you have made to obtain these
23 items.

24 MS. OLSON: Yes, and I will say I have
25 been withholding comment throughout this dialogue, and

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1 am very ready to add my comments.

2 I guess the first thing I want to address
3 is the availability of documents and then I will talk
4 about my attempts to get those.

5 Daily event reports are vital to the
6 people that have been working with us in the capacity
7 of potential expert witnesses and they are not
8 available, and I don't know how they will be
9 available. And I agree that we shouldn't be arguing
10 about the website as a holy grail of availability,
11 however I want to make some comments on the difference
12 between the website access and ADAMS access.

13 And the second thing I noticed didn't even
14 make it onto my list. I think it was there and it's
15 probably my own editing error that it's gone, but I
16 should mention the ACRS transcripts. I have been
17 relying heavily on being able to read transcripts of
18 those meetings after I moved out of the Washington,
19 D.C. area, since I can no longer attend them. And
20 they are public meetings and they are a wealth of
21 information from a variety of perspectives that enable
22 me to more critically read what I'm reading. So, I
23 understand they are not in my motion. You didn't
24 address that, but it's another lot.

25 Now, I just want to note that I did even

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1 notice on the website as to how access ADAMS. I did
2 not have the software on my computer anymore because
3 for unrelated reasons, I had to reload Windows. I did
4 contact PDR. They did give me instructions as to how
5 to do it, and I have yet to get that software to
6 function on this system. We can call that, you know,
7 a singular event of this situations, but it's
8 nonetheless been dominating my ability to access ADAMS
9 prior to the website link.

10 As I say, I know that it was up there
11 yesterday when I went onto the website to look for the
12 GEIS. I do not know how much sooner there was a link
13 from the website to ADAMS, but it was there yesterday.
14 That I know. And it was not there when I looked maybe
15 -- I can't say which day last week before I took my
16 leave time. So perhaps it's been therefore a few days
17 and I didn't access it.

18 But there is a difference, and I guess I
19 used to really relish going to a physical docket and
20 looking through it and seeing the document laid out
21 before me. Then with the website there was at least
22 the ability to look down a list of links, a list of
23 transcripts, a list of documents and, you know, look
24 at them in that order. With ADAMS you have to know
25 what you're looking for in advance.

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1 And had I been given even a 24 or 48 hour
2 notification from NRC that the website was going to be
3 gone, I might have made a list of document names. But
4 I didn't have that notice and so reconstructing it all
5 through ADAMS is a different job then, you know, my
6 training has provided me with. And I understand that
7 that's our burden, but I want to note that it's a
8 substantial impact of this new terms of, you know, so
9 called public access.

10 And I guess I'd like to note that Mr.
11 Repka has membership in an organization where the dues
12 are a whole lot higher than ours, and we don't have a
13 budget to order hard copies from PDR. And I don't
14 personally have the budget to go staying in Rockville
15 or D.C. for the term of this period of developing
16 contentions. So hard copies are not, at this point,
17 what we would consider an option. And "calling NRC
18 and obtaining documents," no once we become an
19 intervenor that's not possible. We have to pay for
20 everything.

21 I did try to save two documents to my hard
22 drive earlier in this process, and I discovered that
23 worked for the particular page that was opened, but
24 when you go back and try and click on a link, well,
25 the link is not on your hard drive. And, so, yes, I

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1 have been relying on the documents being posted on the
2 web where the links are active and where the document
3 resident. And I can, you know, save portions of it to
4 my hard drive. But we're in a whole new world with
5 this electronic stuff. It's not the same as going
6 through the docket, seeing the documents, choosing to
7 copy a certain portion of it that's relevant and
8 thereby having access.

9 And I will note that I did go down to the
10 Catawba scoping meeting. Someone had suggested that
11 perhaps I could access documents at that site. Was
12 informed that I would have to file a Freedom of
13 Information request in order to obtain anything from
14 that docket.

15 So it's a learning process, but I have
16 been making efforts. There are real limits on what I
17 can and can't do in this process. The very real and
18 unavoidable and extreme, I would say, reasons that the
19 NRC choose to make the website unavailable except for
20 in the very limited capacity that it is now, I don't
21 think I should have to defend that. That's effected
22 all of us in this process. And it wasn't our decision
23 for NRC to change the terms of access, however it
24 happened. And we're dealing with that.

25 And I guess the last thing I'd like to say

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1 is that this entire process came out of the blue for
2 us. I mean, I guess we missed the NRC exemptions that
3 allowed you to come with license extensions so early
4 15 years instead of 20, right at the crack of 20.
5 Call us unprepared, call us caught by surprise, but we
6 truly were.

7 We got a call from the *Charlotte Observer*
8 and that was the first we'd heard of it, and it was
9 the day that license applications were filed. So I
10 find it a little bit disingenuous to say that we
11 should have been up to speed and experts on these
12 reactors five years ago.

13 JUDGE KELBER: Excuse me. This is Kelber.

14 That was June 13th that you heard about
15 this?

16 MS. OLSON: We did hear about it in June,
17 I don't know the date.

18 JUDGE KELBER: Okay.

19
20 JUDGE RUBENSTEIN: This is Judge
21 Rubenstein.

22 Are you intervening on any other license
23 renewal request?

24 MS. OLSON: Well, we have not and for a
25 variety of reasons, largely because either someone

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1 else has and we have felt that it was it a resource
2 issue or we have not had local concern to a level that
3 would warrant both our resources and the standing
4 issue being upheld. And Blue Ridge Defense League has
5 been a longtime allied organization and so their
6 decision to be involved in this, and certainly our own
7 history with the mixed oxide fuel issue has brought us
8 to great concern about Catawba and McGuire. But,
9 again, from that standpoint not, you know, it was a
10 surprise about --

11 CHAIR YOUNG: Ms. Olson, let me ask you,
12 first of all, I think that probably I can state that
13 the Board in saying that, obviously, the reasons for
14 taking the website down were extreme reasons. And
15 from your standpoint they were unavoidable and
16 probably from everyone's standpoint they were
17 unavoidable. And the question becomes what as a
18 practical matter was available to you after the
19 website went down. And I'd like to hear a little bit
20 more from you about the specific documents, as I've
21 asked Ms. Uttal and Mr. Repka to go through them.

22 And also I'd like you to address -- let me
23 back up. Let's say that we were to grant you a three
24 week extension based on the availability of the GEIS,
25 at least, and along with any other estimates that

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1 became available in the last couple of days through
2 ADAMS, if we granted you that three week extension
3 what position would you be in and how quickly could
4 you determine and sort of let us know the specifics of
5 what you need and what you're unable to get?

6 We're thinking about the possibility of
7 holding frequent status conferences maybe in addition
8 to setting tentative dates for deadlines and for
9 holding oral argument.

10 MS. OLSON: That seems reasonable to me.
11 In terms of the list of documents, I mean first off,
12 I want to appreciate the NRC staff's responsiveness to
13 a comment I made at the Catawba scoping meeting that
14 we didn't have access to the GEIS and that a week
15 later it is out.

16 I would also note that it took a week for
17 that to happen and so, you know, we all of us have
18 constraints on what we can do how fast. And I also
19 understand that we're coming up on the deadline that
20 was established, but I also can tell you that I have
21 just gotten access to ADAMS today.

22 ADAMS will not have the daily event
23 reports. I don't know if has transcripts of meetings.
24 I can call the PDR and find out and inform you.

25 I'm satisfied to hear that the NUREGs are

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1 available. I'm satisfied that the GEIS is available.
2 The one thing I would say about the NUREGs is while
3 they are useful, you're asking the intervenor to
4 accept the roll up as it is made by those NUREGs very
5 often including, you know, licensee participation
6 which is appropriate, but you know job is to stand
7 outside the box and look in and have some ability to
8 have some data to back up what we're saying.

9 I know that in terms of concerns we have
10 about once through cooling, McGuire's cooling system
11 on Lake Norman, that things like the daily event
12 reports were vital and we don't, for whatever reason,
13 have copies of them all. So, I don't know what to say
14 about that.

15 It just may in the end be that we have to
16 say that NRC and the industry have closed the doors
17 and it would be great if NRC would come clean on that
18 point, but I don't think we're quite assuming that
19 yet. I'd like to think that we can find a way for the
20 democratic process to continue based on the laws we
21 have today without having to rewrite every single last
22 one of them to conform to a terrorist era.

23 So I'm hopeful that arrangements can be
24 made. If there's actually possibility of paper to
25 look at, I again will have to call the public document

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1 room and have a heart-to-heart with them, because it's
2 my understanding that in the paperless system the
3 dockets aren't paper anymore and that if we want
4 access to any of it, we have to make copies off the
5 microfiche.

6 So, if there's actually paper, then maybe
7 it warrants me to take a trip up there and actually
8 sit there and look at it, but I'm not sure that there
9 is and, in which case, we're really kind of stuck.

10 So, I think that's one of the key
11 elements.

12 JUDGE KELBER: This is Judge Kelber.

13 When you heard about this license renewal
14 application in June, did you attempt at that time to
15 look at the generic environmental impact statement?

16 MS. OLSON: Yes, on the web.

17 JUDGE KELBER: You did?

18 MS. OLSON: Yes.

19 JUDGE KELBER: And you, of course, looked
20 at the application?

21 MS. OLSON: Yes, I purchased CDs of the
22 application.

23 JUDGE KELBER: Okay. So you've had the
24 key documents since June? Those are the key
25 documents.

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1 MS. OLSON: I don't deny it.

2 JUDGE KELBER: Okay.

3 MS. OLSON: We are not, however, paid full
4 time to intervene on Duke.

5 CHAIR YOUNG: When you say --

6 MS. OLSON: As it natural, one tends to
7 wait to see what the time lines will be when there are
8 competing demands on one's time. So I'm not saying
9 that all the work has been put off to the date of the
10 order, but at the time of the date of the order key
11 information was not available to us.

12 CHAIR YOUNG: But you had access to it
13 earlier, but you had not downloaded or copied
14 everything from the GEIS is what you're saying?

15 MS. OLSON: As I told you to begin with,
16 I attempted to download the GEIS, but one can't take
17 the whole document and when one tries to take pieces,
18 then there's links in the document itself in its
19 electronic format that go to other portions of the
20 document. And, you know, I would have to have a paid
21 intern who knew computer things and a much bigger hard
22 drive than I have to be able to have recovered all of
23 those documents electronically and keep every single
24 portion of them on my computer. But I did make the
25 effort to try and discovered it was so unwieldy and

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1 impossible that I've had to use them resident on line.

2 JUDGE KELBER: It is a big document. I
3 think everybody will concede that.

4 CHAIR YOUNG: I think that we're going to
5 need to do two things from our standpoint at this
6 point.

7 I think in a few minutes Judge Kelber and
8 Judge Rubenstein are going to have to figure some way
9 to confer and get back with you all.

10 And secondly, what I'd like to ask Ms.
11 Olson and Mr. Repka and Ms. Uttal as well is from a
12 practical standpoint if we were to grant an extension
13 today, the three week extension that the staff has
14 agreed to, and that would put the deadline for the
15 supplemented -- and I think we'd probably do it for
16 simplicity's sake for both petitioners, although I'll
17 hear argument on that, but that would extend the
18 deadline for supplemented and amended petitions with
19 contentions to November 27th. The deadline for
20 responses to December the 11th. And then that would
21 put a hearing date the week of December 17 or the week
22 of Christmas.

23 So I guess what I'd like to hear is as a
24 practical matter, assuming we did that, what could be
25 done with all participants working cooperatively

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1 together to see that Ms. Olson's able to either
2 through her own efforts or through cooperation with
3 Duke and with the staff get access to the documents
4 that she needs.

5 Now, I see already that there is some
6 possible disagreement on such things as the daily
7 event reports and others. But what I'd like to hear,
8 perhaps before we confer, is what is the practical
9 matter could be done so that NIRS could have the
10 documents it needs to prepare contentions that will
11 prompt opposition based on lack of basis that can be
12 traced back to the lack of documents at this point.

13 Does that make sense to everyone? Ms.
14 Olson, I'm taking silence as a yes it did make sense?

15 MS. OLSON: Yes, it does make sense.

16 CHAIR YOUNG: And let's start with you,
17 Ms. Olson, and then I'd like to hear from Mr. Repka
18 and Ms. Uttal on that.

19 MS. OLSON: I guess I don't know what's
20 possible. I mean, certainly Duke all those daily
21 event reports and certainly NRC has all those daily
22 event reports. And if they reside in hard copy in
23 Rockville, I guess I'm willing to accept that no one's
24 going to pay our transportation and expenses to get
25 them, but if that's what we have to do giving us the

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1 additional three weeks is a reasonable time frame to
2 attempt that.

3 So, you know, if there's another
4 alternative, that would be a welcome piece of news.
5 But I don't even know that they reside in hard copy in
6 Rockville, in which case, you know, that's a piece of
7 information I think we need to acquire with regard to
8 that need on our part.

9 CHAIR YOUNG: And I'm going to ask in a
10 minute what Ms. Uttal and Mr. Repka's position was
11 about assisting you in getting access to those.

12 What about the others and statements that
13 have been made by Mr. Repka and Ms. Uttal about what
14 you can get? I assume you've been sort of taking
15 notes on those as we go, and they've said that certain
16 NUREGs, the GALL report, the standard review plans,
17 the CRDM cracking bulletins, the reg guide 1.188;
18 those things are apparently presently available on
19 ADAMS and then the inspection manual through the PDR.
20 Can you speak to the practicality as you know it now
21 on what you would be able to obtain of those things
22 and you would need in addition to those things that
23 they address?

24 MS. OLSON: I accept and indicated that I
25 accept that there is access to those NUREGs and to the

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1 GEIS, and I appreciate the return of ADAMS link from
2 the webpage. I think that will expedite whatever
3 problem I've been having with the download of the
4 necessary platform.

5 The question of transcripts has not been
6 written down in my motion, so we haven't been talking
7 about it. But I will also ascertain from the PDR
8 whether there are access to the ACRS transcripts,
9 because that has been very helpful.

10 CHAIR YOUNG: I got the impression from
11 what you said earlier that the things that were listed
12 by Ms. Uttal and Mr. Repka might not encompass
13 everything that you wanted or needed. Could you give
14 me a little bit more insight what those things do not
15 include?

16 MS. OLSON: Well, that's an incredible
17 gray zone that we're all kind of dancing around.
18 Because, you know, the website was the work of art.
19 We have to acknowledge that what was up there and not
20 up there was sort of an arbitrary thing, and I'm sure
21 someone must have a copy of it still as to what was or
22 wasn't there. But particularly the reports being all
23 listed out under specific issue areas of license
24 renewal and being able to access the reactor files for
25 each of the plants in, as I say, as a browsing format

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1 rather than having to have extension numbers and names
2 of reports, which I didn't -- if I had had a heads up,
3 hey, you'd better save the names of these things, I
4 would have done that.

5 Now, can I live without them? Yes, I can
6 live without them, most likely. But has there been an
7 impact on our contentions forming process? Yes. Can
8 I get around this gray zone of not knowing exactly
9 what it is I'm looking for? No. Would I expect you
10 all to? No.

11 But I just want to acknowledge that it's
12 a substantial change in public access and, therefore
13 the ability of the public to interact with this
14 process.

15 CHAIR YOUNG: Judge Kelber wants to ask
16 something and then I have a question about the index,
17 perhaps for Ms. Uttal.

18 Go ahead.

19 JUDGE KELBER: Well, I'm addressing this
20 to the staff. I believe Ms. Olson was referring to
21 the link to reactor LR the index .html document, which
22 of course has been unavailable. Do you have any idea
23 when that will be available?

24 CHAIR YOUNG: Can you repeat that link
25 again, Judge Kelber?

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1 JUDGE KELBER: That was from the public
2 website it was NRC/REACTOR/LF/INDEX.html. Now, I have
3 tried that and the document is unavailable. But I
4 take it it'll be available sometime soon. That's
5 evidently what Ms. Olson was referring to earlier
6 since it puts the documents out there is a browsing
7 format, and I must say it does not include daily event
8 notices or ACRS transcripts.

9 MS. OLSON: No, those were in separate
10 areas.

11 JUDGE KELBER: Yes. Excuse me. I realize
12 that.

13 MS. UTTAL: Your Honor, I don't know when
14 that link is going to come up again. But I would
15 indicate that in ADAMS you can search by title, you
16 can do a word search, you can do document type search.

17 JUDGE KELBER: I have always done docket
18 searches by date, which should be very useful.

19 JUDGE RUBENSTEIN: For what it's worth,
20 during the conversation I came in through the guest
21 link, nrc.gov. Put in the search and picked up the
22 NUREG on the GALL report. So I think Ms. Olson to go
23 to those links and ascertain which documents are
24 available and which aren't.

25 I also saw a number of ACRS documents.

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1 I'm not sure if they're particular transcripts.

2 CHAIR YOUNG: That was Judge Rubenstein.

3 Judge Rubenstein, were you able to find an
4 index of documents of the sort that she was
5 describing?

6 JUDGE RUBENSTEIN: No, but the alternative
7 is merely to use the search.

8 CHAIR YOUNG: Okay.

9 JUDGE RUBENSTEIN: In other words, you can
10 put in text, you can put in titles and you can put it
11 under a date --

12 WOMAN: Your conference is scheduled to
13 end in ten minutes.

14 CHAIR YOUNG: We're going to try to extend
15 at least until 11:30 or so.

16 Meanwhile, let me ask, Ms. Uttal, do you
17 happen to know whether you might be able to get access
18 not necessarily to all the documents on it, but to a
19 copy of the index that was previously there so that at
20 least Ms. Olson could go down the index and say which
21 things she needs and get some indication which ones
22 are available, which ones are not?

23 MS. UTTAL: Your Honor, I don't know
24 whether I have access to that and I don't know whether
25 if I had, whether that would be available to the

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1 public or releasable. I would have to find that out.

2 CHAIR YOUNG: Okay. Judge Kelber is
3 seeing if we can get -- okay, great.

4 Okay. Ms. Olson, you sort of went through
5 what you could accept and then you got into this gray
6 zone. Are there any particular things that we've been
7 talking about, apart from the DERs and -- well, the
8 transcripts you're going to look at. It sounds like
9 they may be available based on what Judge Rubenstein
10 just told us. Are there any other documents that you
11 think you might need help from the staff or Duke in
12 obtaining?

13 MS. OLSON: I don't know 100 percent
14 because I was working in conjunction with Paul Gunther
15 who has not put an appearance in this case. I don't
16 know if he will, but he's a Nuclear Information and
17 Resource Service co-worker. And, you know, he just
18 broadly said technical reports. I would assume that
19 we should look for anything he was using on ADAMS and
20 that he can tell me if there's anything else. But I
21 would as of today say that the key thing is the daily
22 event reports.

23 JUDGE KELBER: Ms. Olson, I don't
24 understand what daily event reports have to do with
25 license renewal. Can you tell me what type of daily

1 event report bears on this question?

2 MS. OLSON: Yes. Things like discharges
3 and daily monitoring of various perimeters that may or
4 may not be within the required specifications. And
5 clearly we're not interested in a single daily event
6 report, we're interested in the operating history of
7 McGuire 1 and 2 in this regard.

8 JUDGE KELBER: Doesn't that come up some
9 other reports annually?

10 MS. OLSON: Well, it's interesting about
11 those --

12 JUDGE KELBER: It's in the application.

13 MS. OLSON: Yes. It's interesting about
14 those because averaging what is relied upon for those
15 summary reports, it doesn't necessarily reflect the
16 environmental impact. If you have sites that are
17 quite large, then those are not necessarily reflected
18 in your annual summary. And we understand that, you
19 know, are we talking about whether they're meeting the
20 regulation or are we talking about environmental
21 impacts?

22 JUDGE RUBENSTEIN: This is Judge
23 Rubenstein.

24 And, of course, you'd make these special
25 with some sort of a nexus to the aging phomania

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1 which is in the Commission's guidelines? So far
2 you've been talking a little generally, but your
3 search would probably have to meet that standard

4 MS. OLSON: Right. But this is a hearing
5 on data not on contentions, yes.

6 JUDGE RUBENSTEIN: I understand.

7 JUDGE KELBER: It seems, Ms. Olson, like
8 you're trying to go fishing in the Catawba River.

9 MS. OLSON: I would love to go fishing in
10 the Catawba River, but it's awfully darn warm, you
11 know.

12 CHAIR YOUNG: With regard to the daily
13 event reports, let's assume that it would be some
14 value to those in terms of establishing some nexus to
15 aging issues such that there would be a need to look
16 through them to write and support contentions. Does
17 the staff and/or the licensee have anything to offer
18 with regard -- or what would you be willing to do to
19 allowing Ms. Olson to get access to those, if
20 anything?

21 MR. REPKA: Well, this is Dave Repka for
22 Duke Energy.

23 I think I'm -- you know we're certainly
24 reasonable and with respect to some specific document
25 which is something that's not available, we could

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1 certainly try to make that available.

2 With the daily event reports, I'm
3 particularly troubled with: (a) the notion that this
4 is somehow a sine qua non of contention; that's just
5 a concept I simply just don't agree with.

6 Number two, what was on the web is an
7 enhancement and may never be back on the web, so --

8 CHAIR YOUNG: Sorry, I'm losing you. Can
9 you repeat the last thing you said?

10 MR. REPKA: The second point is that that
11 was information placed on the webpage as an
12 enhancement and it may never go back to the web. So
13 to start with a proposition that it was once on the
14 web, therefore it's now required to draft contentions,
15 I just think is incorrect.

16 CHAIR YOUNG: Let's not even discuss that,
17 because I don't think the fact that it was on the web
18 plays any role, I agree with you on that. At least I
19 agree with you on that. But the issue would be
20 whether there should be any nexus or relation to aging
21 issues such that they could be of assistance in
22 establishing a basis for contention I think. And just
23 assuming that, what I was asking you was to what
24 degree you might be able or willing to provide access?

25 MR. REPKA: What you're asking us to do is

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1 to undertake discovery before drafting its contention.
2 And that notion is completely unprecedented in NRC's
3 litigation and I think it's unnecessary and
4 inappropriate.

5 I think the fact that it may once have
6 been available on the web as their reason to engage in
7 this process is not a reason at all.

8 CHAIR YOUNG: Mr. Repka, you just
9 characterized something I stated, I want to correct
10 you. I am not in any way, and I think it should be
11 made very clear, that we're not looking at discovery,
12 we're not applying a discovery standard. I think the
13 more helpful analogy is access to a library. And I
14 guess what I was asking you to address was assuming,
15 and you can address whether -- I think you've already
16 addressed whether you think it's appropriate to assume
17 that there might be some nexus that NIRS could
18 establish between the daily event reports and aging
19 issues such that they might use them in the way that
20 one would use things that were in a public library to
21 establish basis for contention.

22 What would you be able to do or willing to
23 do assuming there is some nexus in terms of making
24 those available?

25 MS. UTTAL: Your Honor, may I interject.

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1 This is Susan Uttal for the staff.

2 The daily event reports are in the process
3 of being reviewed because definitely there may be
4 sensitive material on them. Therefore, the staff
5 would not be willing to release them now. And I don't
6 know when and if they will be released.

7 CHAIR YOUNG: Okay. And I take your
8 silence, Mr. Repka, as saying that you are not willing
9 to provide those?

10 MR. REPKA: In the abstract, that would be
11 my position. Again, I have not reviewed -- I don't
12 know what you mean daily about reports from McGuire
13 and Catawba. You know, notwithstanding your
14 admonition to me earlier, we just got this motion at
15 5:00 yesterday, so we haven't reviewed the daily event
16 reports. So, you know, without knowing what's there,
17 I would just say that that's not something we would
18 provide and we think it would be inappropriate to do
19 that at this juncture.

20 JUDGE RUBENSTEIN: This is Judge
21 Rubenstein. Inappropriate for what reason? Because
22 of security concerns?

23 MR. REPKA: Well, that would be number
24 one, given that it's still under review. And number
25 two, it's because again I think it's inappropriately

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1 moving discovery forward in litigation.

2 JUDGE RUBENSTEIN: No, this is just making
3 information available. If there were no security
4 concerns, there would be no problem at all.

5 MR. REPKA: Perhaps.

6 JUDGE RUBENSTEIN: I mean discovery is a
7 focused series of questions. This is here's a body of
8 data, examine it.

9 MS. VAUGHN: Your Honor, this is Lisa
10 Vaughn.

11 If we could possibly back up to the
12 content of the daily event reports. If I recall
13 correctly, Ms. Olson mentioned that it was her
14 understanding that there's a fair amount of
15 information with regard to discharges, what I
16 construed to be environmental information.

17 CHAIR YOUNG: Excuse me. This is Ms.
18 Vaughn, right?

19 MS. VAUGHN: Yes.

20 CHAIR YOUNG: Okay. Go ahead.

21 MS. VAUGHN: And it is our understanding
22 that that type of information is not included in daily
23 event reports. So, perhaps, Ms. Olson could perhaps
24 clarify precisely what is included in daily event
25 reports.

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1 MS. OLSON: Here I have to admit that I'm
2 working as part of a team, and it is other individuals
3 who have been looking at them more than I have been
4 looking at them. But when I look at daily event
5 reports that comes across my desk, you know, some of
6 them are tied to also notices of unusual occurrence.
7 And so there's just basically a lot of the data
8 available in terms of what has been going on with
9 these operations in the flesh, shall we say, rather
10 than in the summary and in the abstract as written in
11 the license application.

12 CHAIR YOUNG: And in terms of a nexus or
13 connection with aging issues or use as in
14 environmental issues how would you see using them?

15 MS. OLSON: Well, for instance, the GEIS
16 on license renewals leaves most of the aquatic impacts
17 for site specific supplementary EIS consideration and
18 the scoping around Catawba and McGuire should include
19 those issues because of the site specific nature of
20 them. Well, okay. If we're looking at that from a
21 site specific in terms of the externality of the
22 reactor, its location, it's environment, we also have
23 the opportunity to look at the individual performance
24 of those particular reactors in regards to impact on
25 the environment. And quite frankly, I would expect

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1 that aging would become a key factor in terms of
2 changes in those impacts, whether they are
3 radiological or thermal or other -- you know, there's
4 a long list of the types of things that you look at in
5 terms of entrainment and impact on fish and
6 temperature and other organisms in the water, impact
7 on endangered species.

8 The assumption is that those are linear
9 over time and, you know, from our point of view we
10 live in Missouri. We say show me. And where do you
11 get that information but from the real handprint of
12 what's happened on a daily basis. So, that's why
13 looking at those reports are so important.

14 JUDGE KELBER: But we've just been told
15 that information isn't in those reports.

16 CHAIR YOUNG: Is that what was said?

17 MS. VAUGHN: Yes, Your Honor. It's our
18 understanding that that type of information is not in
19 those reports.

20 MS. OLSON: Then where are they reported
21 for the National Pollution Discharge Elimination
22 system? We understand and have witnessed that they
23 are reported in the daily event report.

24 MS. VAUGHN: I am going to ask Bill Miller
25 to answer that question.

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1 MR. MILLER: Bill Miller.

2 For McGuire and Catawba, both those plants
3 submit monthly monitoring reports to the appropriate
4 state regulatory agencies. Their NPDES permits are
5 issued and administered by the local appropriate state
6 agencies. And so that information is sent to those
7 state agencies on a monthly basis.

8 There may be as I understand it, and I'm
9 not familiar with plants other than the Duke plant,
10 there may be plants who have environmental protection
11 plans that require submittal of that or similar types
12 of information to the NRC.

13 McGuire and Catawba had environmental
14 protection plans in the early years of their
15 operations, but those requirements were removed based
16 on approval by the NRC of the required studies.

17 So there are no -- there should be no
18 information regarding discharges or anything of the
19 other environmental perimeters that were generally
20 discussed in our daily event reports. The only time
21 that -- and I'm not real clear on the details on this,
22 so we're clear on that. That if there were exceedences
23 of certain perimeters that might cause an immediate or
24 some sort of impact to public health, that would be a
25 notification to the control room and, as I understand

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1 it, some sort of notification to the NRC.

2 JUDGE KELBER: It would show up as an LER?

3 MR. MILLER: Right.

4 JUDGE KELBER: Right.

5 MR. MILLER: Eventually as an LER, yes.

6 But the daily is just one of the monitoring that does
7 not go through the NRC.

8 My understanding is that the NRC is not
9 even copied on the monthly reports.

10 JUDGE KELBER: So you're saying that NIRS
11 is looking in the wrong place?

12 MR. MILLER: That's what it appears to me.

13 CHAIR YOUNG: And to your knowledge are
14 the monitoring reports that go to the state agency
15 available?

16 MR. MILLER: Yes.

17 CHAIR YOUNG: And the LERs are available
18 or not?

19 JUDGE KELBER: LERs aren't available.

20 MS. OLSON: And as far as the other --
21 this is Mary Olson -- the other individual that I'm
22 working with, he was looking at them in terms of aging
23 issues having to do with indicators of problems with
24 the 600 alloy. And I'm sorry I'm not that technical
25 expert, so I'm sorry I can't explicate why he was

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1 looking at daily event reports. So I grant you that
2 Paul Gunther's experience of looking at daily event
3 reports and his plan to look at daily event reports in
4 this regard may be ill-placed, but they still contain
5 information that we have been using. And I will have
6 to get back to you if you want me to say more
7 specifically what and how.

8 JUDGE KELBER: Ms. Olson, early on we were
9 told that the CRDM, that is the control rod drive
10 mechanism vessel head penetration cracking both in --
11 as in ADAMS and it seems to me that Mr. Gunther's
12 remiss if he hasn't looked at that.

13 MS. OLSON: He most certainly has, but I
14 think we would be remiss if we --

15 JUDGE KELBER: Fine. That's as much
16 information as anyone has.

17 MS. OLSON: Well, I think we would be
18 remiss if we filled a contention that simply stated
19 that.

20 CHAIR YOUNG: And that may be something
21 that we want to get a response from the staff and Mr.
22 Repka on. But what I think I would like to do at this
23 point is we're sort of at a disadvantage because Judge
24 Rubenstein's in Arizona and so we can't just push the
25 mute button and have a quick conference.

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1 I'm wondering, Judge Rubenstein, could we
2 leave everybody on the phone for a minute and let them
3 talk with each other about what they can do in terms
4 of providing things and then you call us from your
5 cell phone at Judge Kelber's number.

6 JUDGE RUBENSTEIN: Sure.

7 CHAIR YOUNG: So that we can just talk a
8 few minutes, and then we'll be back in about five
9 minutes with everyone else.

10 JUDGE RUBENSTEIN: Yes, that would be
11 fine.

12 CHAIR YOUNG: Okay. Then everyone else,
13 I think, you can continue to talk and we'll let you
14 know when we're back on. Okay? Thank you.

15 (Whereupon, at 11:08 a.m. off the record
16 until 11:23 a.m.)

17 CHAIR YOUNG: We were just talking.

18 JUDGE KELBER: Can I do this quickly?

19 CHAIR YOUNG: Do, and meanwhile I'm going
20 to ask them to extend it 15 minutes.

21 JUDGE KELBER: The proposal is to make the
22 deadline for the petitioners the 27th of November. And
23 make the responses deadline 11th of December. The pre-
24 hearing conference for oral argument would be
25 scheduled for the 18th and 19th of December.

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1 I want to point out that we're getting
2 close to holiday time and we'd like to hear anybody's
3 comments on those proposed dates.

4 CHAIR YOUNG: Also just to add one other
5 thing on back, and we're going to get a 15 minute
6 extension, we're trying to anyway.

7 We would have another status conference
8 next Wednesday, November 7th to sort of see where we
9 are and whether we're moving along as we need to. And
10 see whether anything needs to be done to accommodate
11 and expedite things.

12 Who wants to go first? Otherwise I'll
13 just name --

14 JUDGE KELBER: Well, perhaps no one has
15 objections to the schedule.

16 CHAIR YOUNG: Does anyone have any
17 objections?

18 MR. REPKA: This is Dave Repka. We have
19 no objection.

20 MS. UTTAL: The staff has no objection.

21 JUDGE KELBER: Ms. Olson?

22 MS. OLSON: I have no objections, although
23 I did want to register one comment, brief.

24 CHAIR YOUNG: Yes.

25 MS. OLSON: I've been, you know, making an

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1 effort to be procedural rather than rhetorical, but
2 the hearing on the last round that the daily event
3 reports are being withheld for security reasons, I
4 just would like to register that.

5 WOMAN: Your conference is scheduled to
6 end in five minutes.

7 MS. OLSON: We appreciate the effort that
8 NRC is making on security, however from our point of
9 view the information is not the risk, it's the
10 facilities themselves. And so we appreciate also the
11 licensing board's willingness to work with us to
12 retain the public participation in that very issue.

13 JUDGE KELBER: Ms. Olson. Mr. Gunther is
14 present in the Washington area, is he not?

15 MS. OLSON: Yes, he is. He's on paternity
16 leave at the moment.

17 JUDGE KELBER: Okay. Would it be possible
18 for him to come to headquarters to review documents
19 available to the public?

20 MS. OLSON: I will ask him.

21 JUDGE KELBER: Okay. He will have to work
22 with PDR to review those documents.

23 MS. OLSON: Things like daily event
24 reports?

25 JUDGE KELBER: Well, if they're withheld

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1 for security reasons, there's nothing that can be
2 done.

3 MR. REPKA: If available, yes.

4 JUDGE KELBER: Pardon?

5 MR. REPKA: If available, yes.

6 JUDGE KELBER: If available, yes.

7 CHAIR YOUNG: And also what I would add is
8 especially in terms of appearing for our conference
9 call next Wednesday, talk with each other to -- Ms.
10 Olson, try to get the alternatives that were suggested
11 before, the monitoring reports that were filed with
12 the state and the LERs which are apparently available.
13 And be prepared when we talk next Wednesday to argue,
14 to talk about any specific issues that have arisen as
15 you all continue to try to work together to get the
16 information out there and make it available to NIRS
17 and tell us what we need to address, if anything, by
18 next Wednesday.

19 MS. OLSON: This is Mary Olson.

20 I would like to note that Mr. Repka did
21 indicate to me that if there is a specific Duke
22 originated document, that I should contact him. And
23 I very much appreciate that.

24 CHAIR YOUNG: Great.

25 JUDGE KELBER: Thank you all very much.

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1 CHAIR YOUNG: It sounds like you're all
2 working very well together.

3 I think the only thing we need to do then
4 is to set a time for next Wednesday.

5 Judge Rubenstein, since you're on the
6 other side of the country, what time would be best for
7 you?

8 JUDGE RUBENSTEIN: This time's just fine.

9 CHAIR YOUNG: 9:30?

10 JUDGE RUBENSTEIN: I'm up early. We only
11 have a two time difference, so 8:30 or 9:00 it works
12 great.

13 CHAIR YOUNG: Okay. so let's say December
14 7th at 9:30 eastern --

15 JUDGE RUBENSTEIN: November 7th.

16 JUDGE KELBER: November 7th.

17 CHAIR YOUNG: I'm sorry. November 7th at
18 9:30 eastern time. And then the oral argument will be
19 December 18th and 19th.

20 And I did not hear any objection to making
21 the deadline for supplemented and amended petitions
22 and contentions for both petitioners November 27th and
23 the response time to those December the 11th. Correct?
24 Good.

25 All right. Is there anything else that

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1 anyone sees that we need to talk about today?

2 JUDGE RUBENSTEIN: Judge Young, Kelber,
3 I'd like to call you in a minute after we close out
4 this conversation.

5 CHAIR YOUNG: Okay. And apart from that,
6 we'll let you know anything else we know about a
7 location and travel arrangement for the oral argument
8 when we talk next week.

9 MS. UTTAL: Your Honor, you will be
10 contacting BREDL directly, correct, about these
11 changes?

12 JUDGE KELBER: We will issue an order.

13 CHAIR YOUNG: We will issue an order and
14 it may not go out today, it will go out tomorrow. And
15 so if you want to pass along, since I think we're
16 getting close to the deadline, if you want to pass
17 along to them what we've decided just for
18 information's sake, you're certainly welcome to do
19 that.

20 MS. UTTAL: And to be totally clear, the
21 new deadlines apply to them as well?

22 CHAIR YOUNG: I heard no objection
23 expressed to that, so yes I think for simplicity's
24 sake we'll just have them apply to everyone.

25 MS. UTTAL: Okay. Thank you.

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1 CHAIR YOUNG: Okay? Actually, if everyone
2 else hangs up and -- well, no, they may cut us off.

3 Thank you all. Bye.

4 (Whereupon, at 11:30 a.m. the above-
5 entitled matter was concluded.)
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in the matter of:

Name of Proceeding: Duke Energy Corporation

Docket Number: 50-413-LR, 50-414-LR,
50-369-LR, 50-370-LR

Location: Telephone Conference

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