

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'82 MAR 31 A7:37

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Lawrence Brenner, Chairman  
Dr. James H. Carpenter  
Dr. Peter A. Morris

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED MAR 31 1982

In the Matter of  
LUNG ISLAND LIGHTING COMPANY  
(Shorenham Nuclear Power Station  
Unit 1)

Docket No. 50-322-01

March 30, 1982



CONFIRMATORY ORDER GRANTING INTERVENORS' MOTION TO  
COMPEL DEPOSITION AND PRODUCTION OF DRAFT PRA FROM LILCO

Pursuant to the March 25, 1982 request of SOC and Suffolk County (SC), and upon consideration of the arguments of parties during a conference call on March 29, 1982, this will confirm the order that LILCO make its draft Probabilistic Risk Assessment available to SOC and SC by March 30 and that the deposition requested by paragraph 2 of the SOC and SC Notice of Taking Deposition be permitted, commencing on March 31, 1982.

The deposition as requested by paragraph 2 of the notice is to inquire into "the scope, objectives, methodology, description of research and analytical tasks involved in the probabilistic risk assessment (PRA) currently being performed for LILCO by Science Applications, Inc. as well as LILCO's intended utilization of the PRA."

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The parties agreed that the deposition need not include an employee of Science Applications, Inc., since the draft PRA will now be produced.

LILCO agreed with SOC and SC, and the Board so finds, that the requested deposition and the PRA is relevant to contention 7B regarding systems analysis methodology under the general discovery standard that the information sought appears reasonably calculated to lead to the discovery of admissible evidence. 10 CFR § 2.740(d)(1). LILCO is concerned that improper premature conclusions will be drawn from the draft PRA. This may be, but the unacceptable alternative to LILCO would be to delay discovery on the PRA, and therefore delay the litigation of this contention, until the PRA has undergone review and becomes final. LILCO estimates that this would not be complete before September, 1982.

While the requested deposition and the PRA are relevant to contention 7B, it is important to remember that the contention is not whether the draft PRA as performed for Shoreham is good, bad or indifferent. We are not permitting an inquiry on discovery or in testimony directly into the PRA, as contrasted with possibly using the deposition under paragraph 2 and the draft PRA to prove that the methodology used to analyze the reliability of Shoreham's systems is inadequate unless it uses the draft PRA methodology. Therefore, discovery which the Board is permitting into the draft PRA is not for the purpose of preparing to litigate the correctness of either the application of the methodology in the draft Shoreham PRA or the draft PRA results of probabilities and consequences of accidents. Production of the

draft PRA is being required as an adjunct to assist and facilitate the taking of the deposition within the scope of paragraph 2 of the notice of deposition, and within the scope of the contention.

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Two additional miscellaneous matters were also raised by the parties and ruled upon during the conference call.

SC was relieved of the requirement in the memorandum and order of March 15, 1982, slip opinion at 22, to advance any security contention it may have by April 2, 1982. Instead, SC, LILCO and the Staff will jointly submit any agreed upon contentions, along with any objections thereto, by the April 14 prehearing conference.

SC's request to continue its examination of QA/QC documents in LILCO's possession beyond the previously extended date of April 2 was denied. As the Board has stated, the extensive amount of documents involved could have and should have been discovered by SC in previous months and even years. The Board, in the conference call of March 19 confirmed by separate order of March 30, permitted extensive additional QA/QC document production requested by SC until April 2. In doing so, we emphasized that the request could properly have been denied as untimely, and that therefore the extensive documents involved could not be used as a reason to extend further the relatively short time-frame intended for final supplementary discovery. By this time in the proceeding, as we discussed in the context of specification

of the QA/QC contentions at the March 9 and 10, 1982 conference of parties, the County should know the specifics it will use to support its direct case. The County should be able to prioritize its document search accordingly.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

Lawrence Brenner, Chairman  
Lawrence Brenner  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
March 30, 1982