

January 3, 1983

Lawrence Brenner, Esq.
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James L. Carpenter
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Peter A. Morris
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Long Island Lighting Company
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322 (OL)

Dear Administrative Judges:

Reference is made to the letter dated December 27, 1982, from Counsel for Applicant (A. Earley, Esq.) to Counsel for Suffolk County (L. Lanpher, Esq.) regarding the Torrey Pines Report (TPR) litigation schedule. The dates set forth in that letter accord with the Staff's understanding of the schedules set by the Board.

In addition the Staff advises the Board and parties as follows with regard to the TPR litigation:

1. Staff did not attend the depositions held on December 27-28, December 30, and January 3, respectively. The Staff, however, has made arrangements to purchase copies of the transcripts of the deposition in question and to review same.
2. The Staff does not intend to file motions to strike any portion or portions of the prefiled County or Applicant written testimony on the TPR. In the event either of those parties files a motion or motions to strike, it is not the Staff's present contemplation to either support or oppose any such motion or motions. (Obviously, a final decision to support or oppose any such motion or motions would be made after review of the motion or motions in questions).

- 3. The Staff does not presently contemplate designating portions of the various depositions for the purpose of moving them into the record of this proceeding as evidence. (Again, a final decision on this aspect of the schedules will be made after reviewing the transcripts in question.)
- 4. The NRC Staff does not plan any cross-examination as to the prefiled written testimony of Applicant and County on the TPR. We may have follow-up type questions based on cross-examination by the other parties at the hearings which are presently scheduled to commence on January 10 which we will of course attend.

The Staff based its previous decision not to prefile written testimony on the TPR on the following factors. The TPR was not instituted in response to any regulatory requirement or to otherwise satisfy a request by the NRC Staff and, accordingly, the Staff did not conduct a full and complete review of the Report. Likewise, our recent decisions, detailed above, are predicated on those same factors. The Staff as in the past (e.g., cross-examination of Region I Resident Inspector James Higgins by the parties), is available to assist the Board in any manner it can based on the Staff's informal and limited review of the Report.

Sincerely,

Bernard M. Bordenick
 Counsel for NRC Staff

cc: Matthew J. Kelly, Esq.
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 Cherif Sedkey, Esq.
 Herbert H. Brown, Esq.
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