

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

Lawrence Brenner, Chairman  
Dr. James H. Carpenter  
Dr. Peter A. Morris

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station,  
Unit 1)

Docket No. 50-322-0L

February 11, 1983

CONFIRMATORY MEMORANDUM AND ORDER DIRECTING THAT  
PARTIES SUBMIT VIEWS ON THE FEBRUARY 8, 1983  
AFFIDAVIT OF JAMES H. CONRAN, SR. AND  
ITS EFFECTS ON THE LITIGATION  
OF CONTENTION SC/SOC 7B

This is to confirm the oral Board Order, issued during the telephone conference call among counsel for the cognizant parties on February 9, 1983, directing that the parties file, by February 22, 1983, a statement of their views on the effects on this proceeding of the February 8, 1983 affidavit of James H. Conran, Sr., an NRC Staff witness on contention SC/SOC 7B.

Specific matters to be addressed in the filings by the parties shall include:

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1. Whether the record on SC/SCC 7B must or should be reopened to allow the admission into evidence of this affidavit as an amendment to Mr. Conran's testimony.

In support of their views on this question, the parties, in coordination with each other or separately, shall identify the principal portions of Mr. Conran's testimony in the record which are arguably changed by his supplemental affidavit, and how they would be changed.<sup>1</sup> The parties shall also discuss the significance of any identified changed testimony as well as any new information in the affidavit.

In support of the views on materiality and significance or lack thereof, the parties should identify any pertinent proposed findings which they believe to be arguably affected or not affected. The parties may also concisely outline any additional proposed findings which they believe to be material and significant and not otherwise supported in the record but for Mr. Conran's affidavit.

2. Whether allowing the amendment of Mr. Conran's testimony by means of this affidavit will require that Mr. Conran be made available for follow-up questioning by the parties. Parties believing this to be

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<sup>1</sup> The Board does not expect the parties to identify every pertinent record response to Mr. Conran's relatively lengthy and spread-out testimony (as one member of a panel), which is arguably changed. It will be sufficient for the decision on reopening to identify the principal portions arguably changed, recognizing that there may be other similar responses in the record which arguably would be similarly changed.

the case should provide an outline of areas in which they would ask questions and an estimate of the time which they believe necessary to complete their examination of Mr. Conran.

3. Whether any party believes that Mr. Conran's affidavit, if admitted into evidence as an amendment to his testimony, would necessitate that such party be permitted to proffer additional testimony on SC/SOC 7B, limited solely to those matters altered by Mr. Conran's affidavit and material and significant to the substantive issues involved in Contention 7B. If so, the party shall outline the subjects and scope of such testimony and the identities (at least by discipline and organization) of such witnesses.

IT IS SO ORDERED

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*Lawrence Brenner* (2.F.B.)  
Lawrence Brenner, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
February 11, 1983