

11/10/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322
(Shoreham Nuclear Power Station,)	(OL)
Unit 1))	

NRC STAFF RESPONSE TO "[LILCO] MOTION TO STRIKE
OR FOR RECONSIDERATION WITH RESPECT TO SUFFOLK
COUNTY'S SUPPLEMENTING ITS QA WITNESS PANEL"

I. INTRODUCTION

At the November 3, 1982 evidentiary session in this proceeding, Applicant Long Island Lighting Company (LILCO or Applicant) filed a "Motion to Strike or for Reconsideration with Respect to Suffolk County's Supplementing its QA Witness Panel" (motion). For the reasons noted below, the NRC Staff supports LILCO's motion.

II. BACKGROUND

The background events leading to the filing of the motion are set out at pages 2-3 of the LILCO motion.^{1/} In sum, the Board previously granted Intervenor Suffolk County's motion to add Messrs. William Bland

1/ The Staff's support of LILCO's motion does not extend to the subsidiary dispute between LILCO and Intervenor Suffolk County, set forth at page 3 of the motion. This dispute involves travel expenses for Mr. George Inskeep in the event his deposition, recessed on October 21, 1981, is resumed. The Staff has no view with regard to that dispute between the two parties.

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and George Inskeep to its QA witness panel. The Board also provided LILCO an opportunity to depose Messrs. Bland and Inskeep.

III. DISCUSSION

LILCO's motion amply demonstrates, by extensive reference to and verbatim quotation from the testimony given by Messrs. Bland and Inskeep on October 20 and 21, respectively,^{2/} that:

(1) they have not demonstrated sufficient background knowledge of the particulars of the contentions in this proceeding which would enable them to adopt the prefiled direct testimony of Mr. Richard B. Hubbard;

(2) they lack sufficient knowledge or expertise regarding the facts stated in Mr. Hubbard's testimony; and therefore it must be concluded that

(3) they cannot testify in the broad manner represented by the County, nor in the narrower manner envisioned by the Board in originally permitting the County to add them to the panel.

Additionally, the Staff notes, in the narrow context of Messrs. Bland and Inskeep's deposition,^{3/} that the County has not demonstrated that they are qualified to testify on quality assurance and quality control programs for the nuclear power industry in this proceeding.^{4/}

^{2/} NRC Staff counsel was present at and participated in the depositions given by Messrs. Bland and Inskeep.

^{3/} See pages 61-73 of LILCO's Motion and pages of deposition testimony there cited.

^{4/} The Staff is not suggesting that QA/QC experts from other industries cannot under appropriate circumstances qualify as experts on QA/QC matters in NRC proceedings. We urge only that the depositions of Messrs. Bland and Inskeep conclusively establish that they lack the requisite knowledge to join Mr. Hubbard on the County's witness panel in this proceeding.

As noted by the Board (Tr. 12,930), the Staff did not originally oppose the addition of Messrs. Bland and Inskeep to the County's QA panel. However, in response to the Board's inquiry, Id., the information developed at the depositions, which is fully spread out in the Applicant's motion, changes the Staff's understanding of what the situation was with regard to Messrs Bland and Inskeep at the time of the County's motion and oral argument thereof. That change in information clearly leads the Staff to the contrary view, expressed in this response, in support of Applicant's motion.

IV. CONCLUSION

The NRC Staff supports LILCO's motion to strike or for reconsideration with respect to Suffolk County's supplementing its QA witness panel.

Respectfully submitted,

Bernard M. Bordenick |
Bernard M. Bordenick
Counsel for NRC Staff *DAR*

Dated at Bethesda, Maryland
this 10th day of November, 1982.

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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO "[LILCO] MOTION TO STRIKE OR FOR RECONSIDERATION WITH RESPECT TO SUFFOLK COUNTY'S SUPPLEMENTING ITS OA WITNESS PANEL" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class ors, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 10th day of November, 1982.

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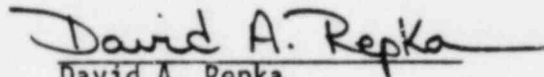
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