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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

LILCO'S RESPONSE TO  
SUFFOLK COUNTY'S  
PROPOSED TORREY PINES SCHEDULE

LILCO opposes the schedule for consideration of the Torrey Pines report proposed by Suffolk County on November 22, 1982. That schedule does not contemplate starting hearings on the Torrey Pines Report until January 18, 1983, an unreasonable date given the length of the QA litigation to date.

The hearings on the QA contentions began on September 14, 1982, and have consumed seven hearing weeks over a two and one-half month period. Even excluding cross-examination of the NRC on OQA,<sup>1/</sup> two to three more weeks of QA hearings seem

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<sup>1/</sup> The County's November 22 pleading makes reference to the "Board's tentative decision to defer OQA examination of Mr. Hubbard and the Staff . . . ." LILCO does not believe all cross-examination of Mr. Hubbard on OQA should be deferred. Mr. Hubbard's testimony makes a number of assertions about the OQA program for Shoreham. LILCO should have the opportunity to

(footnote continued)

likely. The litigation of most NRC licensing cases takes less time than has the litigation of this one set of contentions. Certainly ample time has been allowed for the full and fair airing of QA issues.

Given the lengthy background of QA litigation, there is no reason to delay unnecessarily the review of the Torrey Pines Report. The Report was given to the Board, Suffolk County and the NRC Staff on November 3, 1982. LILCO's proposed schedule, set out below, culminates with hearings, if necessary, on January 4, 1983. The two months between the distribution of the report and the start of hearings provides an adequate opportunity for parties to prepare for litigation of this issue.

One of the reasons cited by the County in support of its more extended schedule is Mr. Hubbard's unavailability (1) due to the upcoming cross-examination on his QA testimony and (2) due to his involvement in the Diablo Canyon proceeding. LILCO objects to delaying the hearing schedule based on the availability of one person. The County has other consultants

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(footnote continued)

test the basis for those views independent of any Staff conclusions about the adequacy of LILCO's OQA procedures. Since LILCO does not now intend to conduct detailed cross-examination of Mr. Hubbard on all the specific OQA procedures, the risk of wasting time on areas of dispute that may become moot is small. For the same reasons, LILCO also believes it should be permitted to cross-examine Mr. Hubbard on his pre-filed independent verification testimony when he takes the stand this week. Again, LILCO does not intend to conduct cross-examination in this area that would be duplicated by subsequent cross-examination, if any, on the Torrey Pines Report.

hired for the express purpose of advising the County on physical inspection matters. See Tr. 11,898 (Lanpher). Consequently, the Board should not permit Mr. Hubbard's availability to dictate the hearing schedule.

The County also indicates that the delay in the completion of the NRC Staff's review of OQA procedures justifies delaying hearings on Torrey Pines until late January. The Staff's schedule should not be a decisive factor in setting a date for the Torrey Pines testimony. First, the Staff's review of OQA procedures is unrelated to the scope of the Torrey Pines Report. Therefore, completion of testimony on Torrey Pines is independent of the Staff's review. Second, it does not make sense to compound the delay in completion of the QA hearing by deferring the Torrey Pines issue until late January. Rather, the Board should complete as much of the QA testimony as possible in an expeditious manner.

LILCO's proposed schedule for consideration of the Torrey Pines Report is as follows:

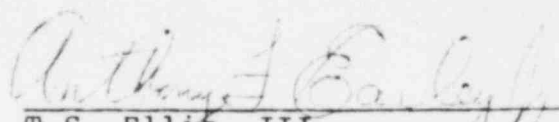
- |             |  |
|-------------|--|
| December 7  | LILCO files written testimony on Torrey Pines Report.  |
| December 14 | County and NRC Staff file written testimony.   |
| December 22 | Last day for completion of depositions of LILCO/Torrey Pines panel and County witnesses. Dates and locations to be arranged among parties with cross-examination not to exceed one and one-half days per witness panel and total deposition time, including redirect, to be limited to two days. Parties are required to give notice |

five working days in advance of deposition and this notice must include specific page and paragraphs references to the Torrey Pines report or witnesses' testimony to be inquired into and a description of any other topics or matters to be pursued in depositions if those topics or matters are not specifically discussed in the report or testimony.

- December 29 Motions to strike (if any) due; designation of portions of depositions to be admitted in evidence due, including indication of whether party intends to conduct cross-examination.
- January 3 All parties to file cross-plans (if any) and designate rebuttal excerpts of the deposition transcripts, if desired.
- January 4 Commence hearings on Torrey Pines Report with a limit of 2 days of hearings per witness panel.

LILCO believes that the above schedule is adequate, given the length of the QA examination and the time that the County has had to review the Torrey Pines Report. This schedule was discussed with the County and the County indicated it did not agree with LILCO's proposal.

Respectfully submitted,  
LONG ISLAND LIGHTING COMPANY

  
T.S. Ellis, III  
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DATED: November 29, 1982

CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO'S RESPONSE TO SUFFOLK COUNTY'S PROPOSED TORREY PINES SCHEDULE were served upon the following by first-class mail, postage prepaid, by telecopy (as indicated by an asterisk), or by hand (as indicated by two asterisks):

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