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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Marshall E. Miller, Chairman
Glenn O. Bright
Elizabeth B. Johnson

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

Docket No. 50-322-OL-4
(Low Power)

July 18, 1984

ORDER CONCERNING ADDITIONAL CROSS-EXAMINATION OF WITNESSES

The Intervenor Suffolk County on July 11 filed a request for clarification of the schedule on resumed hearings in this proceeding. The request sought an opportunity to cross-examine LILCO witnesses who had testified at the previous hearing held April 24-25, 1984, before a temporary restraining order (TRO) halted such hearings temporarily. The State of New York, participating as an interested state, also requested that all LILCO witnesses be made available for cross-examination. LILCO filed a response objecting to requests on July 17, 1984.

The issues and sub-issues to be considered at the resumed hearings commencing July 30 may be somewhat different than the issues involved in

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the prior hearing.¹ The current hearing involves LILCO's application for an exemption under 10 CFR §50.12(a) from GDC-17 or other applicable regulations, if any. The Commission by its Order entered May 16, 1984 directed that such an application for low-power operation pursuant to a requested exemption should be heard by this Board in accordance with the Commission's Rules. Accordingly, all parties should be permitted to introduce evidence and to engage in further cross-examination, if relevant to LILCO's exemption application.

Inasmuch as this is a resumed hearing, the prior testimony and cross-examination is part of the existing record available to the parties and to the Board. A reasonable conservation of judicial resources would indicate that there is no need to duplicate such evidence, nor to engage in redundant or repetitious cross-examination. However, to the extent that there is pertinent testimony or cross-examination not reasonably covered at the previous hearing and relevant to the issues involved in the instant proceeding, the parties are entitled to address such issues.

The parties are directed to produce all witnesses who have previously testified for cross-examination on pertinent matters as

¹In its Memorandum and Order dated July 18, 1984, the Commission stated: "LILCO's exemption application represents a new development in this proceeding, and it raises some new issues not heretofore considered (page 2)."

described above. However, counsel for all parties are directed in advance of the resumed hearings to confer and in good faith to determine which witnesses are reasonably necessary for further cross-examination on relevant matters. Every effort should be made to save the time and expense of calling such witnesses unnecessarily.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Marshall E. Miller
Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 18th day of July, 1984.