

August 6, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter)

LONG ISLAND LIGHTING COMPANY,)

(Shoreham Nuclear Power Station,)
 Unit 1))

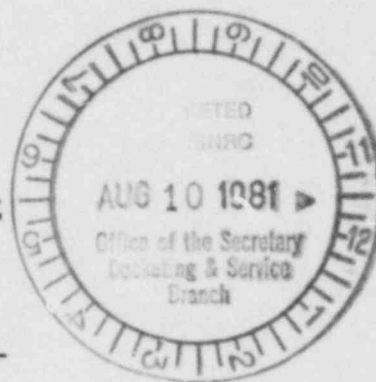
Docket No. 50-322

Motion for Approval of
Stipulation Regarding SOC's Pending
 Discovery Requests, Applicant's
 Motions for Summary Disposition,
 SOC's TMI Contention and
 SOC's Motion for Reconsideration

I.

On July 1, 1981, Shoreham Opponents Coalition (SOC) submitted a document entitled, "SOC's First Set of Interrogatories and Requests for Production of Documents to the Nuclear Regulatory Commission Staff." By stipulation dated July 20, 1981, Staff and SOC asked the Board to hold in abeyance its consideration of the SOC discovery request pending informal discovery between SOC and Staff. SOC and Staff met on July 27 in Bethesda, MD. to review the SOC discovery request. A representative of LILCO was present at the meeting. SOC and Staff wish to advise the Board of their progress.^{1/}

^{1/} This motion is the status report promised by the Staff in paragraph 4 of the Staff-SOC stipulation of July 20, 1981.



DS03
 3
 11

A. On July 27, Staff orally answered many of the questions submitted by SOC in its July 1 filing. Staff has agreed to provide SOC with written responses to a number of interrogatories. Those written responses will be mailed by the Staff on or before August 12, 1981.

B. On July 27, Staff provided SOC with four documents responsive to part of SOC's discovery request. Additional documents will be mailed by the Staff on or before August 12, 1981.

C. With regard to any remaining SOC discovery requests, SOC and Staff have agreed to continue informal discovery sessions. It is expected that the requests will be further focused on the areas of concern to SOC and that written or documentary responses from the Staff will be forthcoming.

D. LILCO does not object to the above agreement so long as it is kept apprised of the informal discovery that is conducted.

E. Based on the above, SOC and Staff ask the Board to continue to hold in abeyance its formal consideration of the SOC discovery requests pending further informal discussions between the parties.

II.

LILCO, Staff and SOC have agreed to resume meeting for the purposes of informal discovery and discussions regarding SOC contentions. Such a meeting was held on July 28, 1981, in

Bethesda, Md. At that time, LILCO agreed to support this motion to extend the time within which SOC and Staff may respond to LILCO's motions for summary disposition of SOC Contentions 1-3, and 6(a)(i). These parties ask that the date be extended to September 18, 1981.^{2/}

SOC has agreed to drop contention 12 (part two) subject to confirmation of the statements made in the "Affidavit of Brian R. McCaffrey Concerning SOC Contention 12 (Part Two)" in revision 5 to the Shoreham Design Assessment Report (DAR). Therefore, LILCO withdraws its motion for summary disposition of SOC Contention 12 (part two). If, however, upon receipt of DAR, revision 5, SOC informs the parties that it believes the assertions in the McCaffrey affidavit have not been confirmed, LILCO will be free to renew its motion.

SOC, LILCO and NRC Staff have tentatively agreed to meet again during the week of August 24. In view of the renewed effort to resolve issues informally, these three parties have agreed that formal discovery requests,^{3/} motions for summary disposition or motions to compel will not be filed before August 31, 1981. Also,

^{2/} Informal discussions will be held in August concerning these contentions and further extension may be requested.

^{3/} SOC will be submitting questions to LILCO regarding SOC Contention 19. SOC will not seek to enforce its right to receive answers within the time allowed by 10 CFR § 2.740b. Rather, LILCO will engage the questions informally at the next meeting.

these parties ask that the time for responses to SOC's motion for reconsideration of SOC Contention 19 dated July 30, 1981, be extended until September 11, 1981.

III.

SOC submitted a draft of SOC Contention 7(a)(ii) (TMI issues) to Staff and LILCO on July 27, 1981.^{4/} The parties will attempt to reach agreement on a particularized contention by August 31, 1981. On that date, SOC will submit to the Board and serve on all parties its final proposed contention 7(a)(ii). The parties will then submit pleadings as they see fit. Accordingly, SOC, LILCO and NRC Staff request rescheduling of the pre-hearing conference on TMI issues tentatively scheduled for September 2, 1981, to a date to be suggested by the parties in the status report mentioned in Part IV below.

IV.

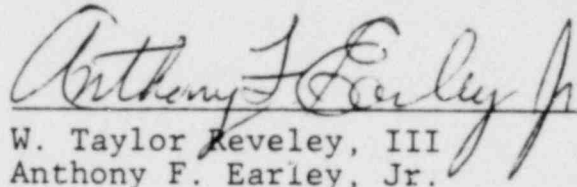
SOC, Staff and LILCO ask the Board to approve the agreements set forth above. If the Board does approve this stipulation, these parties will file a status report with Board by August 25, 1981,

^{4/} During a conference call with the Board on June 29, 1981, SOC's attorney indicated that its TMI contention would be drafted by mid to late July with responses and briefs to be submitted by the parties thereafter. In the hope that the parties can reach agreement on a TMI contention acceptable for litigation, SOC has first submitted the draft contention to Staff and LILCO for informal review and comment.

concerning the progress of informal discovery and discussion
on SOC's contentions.

Respectfully submitted

LONG ISLAND LIGHTING COMPANY

A handwritten signature in cursive script, reading "Anthony F. Earley, Jr.", written over a horizontal line.

W. Taylor Reveley, III
Anthony F. Earley, Jr.

SHOREHAM OPPONENTS COALITION

Stephen B. Latham

NRC STAFF

Bernard M. Bordenick

Dated: August 6, 1981