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A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

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WASHINGTON, D. C. 20036

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
ON PITTSBURGH  
KIRKPATRICK, LOCKHART, JOHNSON & HUTCHISON  
1500 OLIVER BUILDING  
PITTSBURGH, PENNSYLVANIA 15222  
(412) 955-8500

September 19, 1983

Lawrence J. Brenner, Esq.  
Dr. Peter A. Morris  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
4350 East West Highway, 4th Floor  
Bethesda, Maryland 20014

Dr. George A. Ferguson  
Atomic Safety and Licensing  
Board  
School of Engineering  
Howard University  
2300 6th Street, N.W.  
Washington, D.C. 20059

Gentlemen:

Pursuant to 10 CFR, Section 2.720(e), enclosed are copies of subpoenas issued by the Board, together with executed and notarized acknowledgements of service, against United States Steel Corporation, the State of Alaska, and Titan Navigation, Inc. and its subsidiaries or affiliated companies (collectively, the "Titan Companies"). The subpoenas were issued pursuant to Suffolk County's "Application for Issuance of Subpoenas" dated August 22, 1983. The subpoenas were served on United States Steel Corporation, the State of Alaska, and the Titan Companies on August 29, September 1, and September 13, 1983, respectively.

Sincerely,

*Michael S. Miller*

Michael S. Miller

Encls.  
MSM:ph

cc: T.S. Ellis, III, Esq.  
Anthony F. Earley, Jr., Esq.  
Richard J. Goddard, Esq.  
Docketing and Service Section ✓

50-322

D503

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

83 SEP 21 11:02

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-322 O.L.

SUBPOENA DUCES TECUM

To: State of Alaska  
Department of Transportation  
Division of Marine Highway System  
Pouch Road  
Juneau, Alaska 99811

Attention: Martin Nussbaum or any other authorized  
representative of the Department of Transporta-  
tion, State of Alaska

You are hereby directed to produce for inspection and  
copying the documents specified under Request 2 of the attached  
"Application for Issuance of Subpoenas." These documents shall  
be produced within 15 days of service of this subpoena at the  
offices of Kirkpatrick, Lockhart, Hill, Christopher & Phillips,

1900 M Street, N.W., 8th Floor, Washington, D.C. 20036, unless another time  
or location is agreed upon, at the copying and mailing expense of the requesting party.  
If you oppose this subpoena, you may move to quash or

modify in accordance with 10 CFR, Section 2.720(f) (copy attached).

Lawrence Brenner  
Lawrence R. Brenner  
Presiding Officer

August 24, 1983

DOPE  
830826042

§ 2.720 Subpoenas.

(a) On application by any party, the designated presiding officer or, if he is not available, the Chairman of the Atomic Safety and Licensing Board Panel, the Chief Administrative Law Judge, or other designated officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. The officer to whom application is made may require a showing of general relevance of the testimony or evidence sought, and may withhold the subpoena if such a showing is not made, but he shall not attempt to determine the admissibility of evidence.

(b) Every subpoena will bear the name of the Commission, the name and office of the issuing officer and the title of the hearing, and will command the person to whom it is directed to attend and give testimony or produce specified documents or other things at a designated time and place. The subpoena will also advise of the quashing procedure provided in paragraph (f) of this section.

(c) Unless the service of a subpoena is acknowledged on its face by the witness or is served by an officer or employee of the Commission, it shall be served by a person who is not a party to the hearing and is not less than eighteen (18) years of age. Service of a subpoena shall be made by delivery of a copy of the subpoena to the person named in it and tendering him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the Commission, fees and mileage need not be tendered, and the subpoena may be served by registered mail.

(d) Witnesses summoned by subpoena shall be paid, by the party at whose instance they appear, the fees and mileage paid to witnesses in the district courts of the United States.

(e) The person serving the subpoena shall make proof of service by filing the subpoena and affidavit or acknowledgment of service with the officer before whom the witness is required to testify or produce evidence or with the Secretary. Failure to make proof of service shall not affect the validity of the service.

(f) On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may: (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

(g) On application and for good cause shown, the Commission will seek judicial enforcement of a subpoena issued to a party and which has not been quashed.

(h)(1) The provisions of paragraphs (a) through (g) of this section are not

applicable to the attendance and testimony of the Commissioners or NRC personnel, or to the production of records or documents in the custody thereof.

(2)(i) In a proceeding in which the NRC is a party, the NRC staff will make available one or more witnesses designated by the Executive Director for Operations, for oral examination at the hearing or on deposition regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named NRC personnel at a hearing or on deposition may not be required by the presiding officer, by subpoena or otherwise: *Provided*, That the presiding officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations require the attendance and testimony of named NRC personnel.

(ii) In addition, a party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories.

(iii) No deposition of a particular named NRC employee or answer to interrogatories by NRC personnel pursuant to paragraphs (h)(2)(i) and (ii) of this section shall be required before the matters in controversy in the proceeding have been identified by order of the Commission or the presiding officer, pursuant to § 2.751a, or after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer for good cause shown.

(iv) The provisions of § 2.740 (c) and (e) shall apply to interrogatories served pursuant to this paragraph.

(3) Records or documents in the custody of the Commissioners and NRC personnel are available for inspection and copying or photographing pursuant to §§ 2.744 and 2.790.

[27 FR 377, Jan. 13, 1962, as amended at 31 FR 16310, Dec. 21, 1966; 35 FR 19501, Dec. 23, 1970; 37 FR 15132, July 28, 1972; 40 FR 2973, Jan. 17, 1975]

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

\_\_\_\_\_  
In the Matter of )  
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LONG ISLAND LIGHTING COMPANY )  
 )

(Shoreham Nuclear Power Station, )  
Unit 1) )  
\_\_\_\_\_ )

Docket No. 50-322 O.L.

RETURN ON SERVICE

I, ELLIS THEODORE PRICE, am not a party to this proceeding and I am over eighteen (18) years of age. I received this subpoena at JUNEAU, ALASKA on SEPTEMBER 1, 1983 and served it, together with the attached "Application for Issuance of Subpoenas," on SEPTEMBER 1, 1983 by delivering a copy to him on the 1st day of SEPTEMBER, 1983 at 1591 GLACIER AVE., JUNEAU, ALASKA.

Dated: SEPTEMBER 2, 1983

By: 

Subscribed and sworn to before me this

2 day of September, 1983.

  
Notary Public

UNITED STATES OF AMERICA DOCKETED  
NUCLEAR REGULATORY COMMISSION USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
83 SEP 21 11:02

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-322 O.L.

SUBPOENA DUCES TECUM

To: Titan Navigation, Inc.  
1 Allen Center, Suite 950  
1200 Smith Street  
Houston, Texas 77002

Attention: Joseph Molini, Vice President, or any other  
officer or authorized representative of Titan  
Navigation, Inc. or its subsidiary or affiliated  
companies

You are hereby directed to produce for inspection and  
copying the documents specified under Request 1 of the attached  
"Application for Issuance of Subpoenas." These documents shall  
be produced within 15 days of service of this subpoena at the  
offices of Kirkpatrick, Lockhart, Hill, Christopher & Phillips,

1900 M Street, N.W., 8th Floor, Washington, D.C. 20036, unless another time  
location is agreed upon, at the copying and mailing expense of the requesting party.

If you oppose this subpoena, you may move to quash or  
modify in accordance with 10 CFR, Section 2.720(f) (copy attached).

Lawrence Brenner  
Lawrence A Brenner  
Presiding Officer

August 24, 1983

DUPE

8308260144



§ 2.720 Subpoenas.

(a) On application by any party, the designated presiding officer or, if he is not available, the Chairman of the Atomic Safety and Licensing Board Panel, the Chief Administrative Law Judge, or other designated officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. The officer to whom application is made may require a showing of general relevance of the testimony or evidence sought, and may withhold the subpoena if such a showing is not made, but he shall not attempt to determine the admissibility of evidence.

(b) Every subpoena will bear the name of the Commission, the name and office of the issuing officer and the title of the hearing, and will command the person to whom it is directed to attend and give testimony or produce specified documents or other things at a designated time and place. The subpoena will also advise of the quashing procedure provided in paragraph (f) of this section.

(c) Unless the service of a subpoena is acknowledged on its face by the witness or is served by an officer or employee of the Commission, it shall be served by a person who is not a party to the hearing and is not less than eighteen (18) years of age. Service of a subpoena shall be made by delivery of a copy of the subpoena to the person named in it and tendering him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the Commission, fees and mileage need not be tendered, and the subpoena may be served by registered mail.

(d) Witnesses summoned by subpoena shall be paid, by the party at whose instance they appear, the fees and mileage paid to witnesses in the district courts of the United States.

(e) The person serving the subpoena shall make proof of service by filing the subpoena and affidavit or acknowledgment of service with the officer before whom the witness is required to testify or produce evidence or with the Secretary. Failure to make proof of service shall not affect the validity of the service.

(f) On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may: (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

(g) On application and for good cause shown, the Commission will seek judicial enforcement of a subpoena issued to a party and which has not been quashed.

(h)(1) The provisions of paragraphs (a) through (g) of this section are not

applicable to the attendance and testimony of the Commissioners or NRC personnel, or to the production of records or documents in the custody thereof.

(2)(i) In a proceeding in which the NRC is a party, the NRC staff will make available one or more witnesses designated by the Executive Director for Operations, for oral examination at the hearing or on deposition regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named NRC personnel at a hearing or on deposition may not be required by the presiding officer, by subpoena or otherwise: *Provided*, That the presiding officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations, require the attendance and testimony of named NRC personnel.

(ii) In addition, a party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories.

(iii) No deposition of a particular named NRC employee or answer to interrogatories by NRC personnel pursuant to paragraphs (h)(2)(i) and (ii) of this section shall be required before the matters in controversy in the proceeding have been identified by order of the Commission or the presiding officer, pursuant to § 2.751a, or after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer for good cause shown.

(iv) The provisions of § 2.740 (c) and (e) shall apply to interrogatories served pursuant to this paragraph.

(3) Records or documents in the custody of the Commissioners and NRC personnel are available for inspection and copying or photographing pursuant to §§ 2.744 and 2.790.

[27 FR 377, Jan. 13, 1962, as amended at 31 FR 16310, Dec. 21, 1966; 35 FR 19501, Dec. 23, 1970; 37 FR 15132, July 28, 1972; 40 FR 2973, Jan. 17, 1975]

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

83 SEP 21 11:03

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Docket No. 50-322 O.L.

RETURN ON SERVICE

I, Brenda Wikerson, am not a party to this proceeding and I am over eighteen (18) years of age. I received this subpoena at 914th Street on September 13 and served it, together with the attached "Application for Issuance of Subpoenas," on September 13 by delivering a copy to her on the 13 day of September <sup>2:45pm</sup>, 1983, at 1000 Louisiana (Ramona Spilman) corporate secretary.

Dated: September 13, 1983

By: Brenda Wikerson

Subscribed and sworn to before me this  
13 day of September, 1983.

Sam Ventura  
Notary Public  
SAM VENTURA

Notary Public State of Texas  
My Commission Expires June 5, 1985  
Bonded by L. Alexander Lovett, Lawyers Surety Corp

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

83 SEP 21 11:02

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-322 O.L.

SUBPOENA DUCES TECUM

To: United States Steel Corporation  
Lake Shipping Office  
400 Missabe Building  
Duluth, Minnesota 55802

Attention: Any officer or authorized representative  
of United States Steel Corporation's Lake  
Shipping Office

You are hereby directed to produce for inspection and  
copying the documents specified under Request 3 of the attached  
"Application for Issuance of Subpoenas." These documents  
shall be produced within 15 days of service of this subpoena at  
the offices of Kirkpatrick, Lockhart, Hill, Christopher & Phillips,

1900 M Street, N.W., 8th Floor, Washington, D.C. 20036, unless another time

or location is agreed upon, at the copying and mailing expense of the requesting party

If you oppose this subpoena, you may move to quash or

modify in accordance with 10 CFR, Section 2.720(f) (copy attached).

Lawrence Brenner  
Lawrence Brenner  
Presiding Officer

August 24, 1983

DUP  
8308260147



§ 2.720 Subpoenas.

(a) On application by any party, the designated presiding officer or, if he is not available, the Chairman of the Atomic Safety and Licensing Board Panel, the Chief Administrative Law Judge, or other designated officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. The officer to whom application is made may require a showing of general relevance of the testimony or evidence sought, and may withhold the subpoena if such a showing is not made, but he shall not attempt to determine the admissibility of evidence.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

83 SEP 21 AM 1:03

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Docket No. 50-322 O.L.

RETURN ON SERVICE

I, ARTHUR W. VON, am not a party to this proceeding and I am over eighteen (18) years of age. I received this subpoena at Duluth on August 29, 1983 and served it, together with the attached "Application for Issuance of Subpoenas," on C. Laurence Stevens, Jr. by delivering a copy to him on the 30 th day of August, 1983, at Duluth, he being an Asst. Secretary of: UNITED STATES STEEL CORPORATION.

Dated: August 30, 1983

By: Arthur W. Von

Subscribed and sworn to before me this  
30 th day of August, 1983.

Flourence A. Haller  
Notary Public

