

LILCO, February 17, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

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

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Docket No. 50-322 (OL)

SUBMISSION OF PROPOSED REQUEST FOR
DOCUMENTS AND LIST OF PROBABLE DEONENTS

LILCO hereby submits its Proposed Request for Documents pursuant to the Board's Order dated February 2, 1984 as modified by the Board in the telephone conference of February 14, 1984. The following explanatory remarks are appropriate.

(1) In general, there is a Request for each of the subparagraphs of the proposed contentions. Typically, each request focuses sharply on a specific allegation in the subparagraph and asks for the "reports, memoranda and calculations" on which the County relies in support of this allegation. Thus, the requests are appropriately focused and specific and permit response without undue burden.

(2) LILCO has avoided requests in the nature of "all documents (broadly defined) relating to" a subject or engine

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component for such requests are excessively broad and burdensome and unnecessarily intrusive. While a request for "all documents relating to" might not be burdensome to the County, it would certainly be so to LILCO.

(3) LILCO has limited its requests to "reports and memoranda" because this class of documents is entirely adequate and appropriate discovery for the purpose of ensuring that the litigation is properly informed and thorough. LILCO submits this class of documents strikes the proper balance between blanket requests (see App. A to Part 2, § V(5)) and too little discovery. LILCO has already produced a substantial number of reports and memoranda describing the results of the investigations of LILCO and its contractors concerning various components.

(4) LILCO has also requested calculations because it is LILCO's understanding that a number of the County's allegations are based directly upon calculations made by the County's consultants. LILCO has asked for these documents on several occasions but the County has refused to produce them, claiming they are privileged work product and stating only that at an appropriate time LILCO would be given information about these analyses.

(5) In those instances where allegations were made concerning conditions at other facilities, whether nuclear or non-nuclear, LILCO generally has limited its request to "reports, memoranda and calculations" demonstrating the relevance of the defects at the other facilities to the Shoreham diesels. Requests for documents relating to all of the details and circumstances of the defects on these other engines are inappropriate because such requests would result in endless and wasteful litigation of matters having, at most, a peripheral relationship to the Shoreham case.^{1/}

(6) This request does not include requests for documents prepared by the County's consultants in other contexts which may bear on their qualifications to express opinions in this case. LILCO believes these matters are more appropriately and efficiently pursued in depositions.

(7) LILCO also submits herewith its list of proposed deponents as required by the Board's ruling in the telephone conference of February 14, 1984.

^{1/} LILCO does not deny that events and experience on other diesel engines may be relevant to Shoreham. LILCO believes, however, that the County has the burden in the first instance to show the relevance on a component-by-component basis.

<u>Deponents</u>	<u>Subject Matter</u>
Prof. Stanley Christensen	The facts, calculations, analyses and other material on which the deponent bases his opinions concerning the Shoreham diesel generators.
Per Meulengracht*	"
Thomas Moore	"
Aneesh Bakshi	"
George Dennis Eley	"
Marc Goldsmith	"
Richard Hubbard	"
Prof. Robert Anderson	Metallurgical matters
William Avery*	"

In essence, LILCO proposes to take the depositions of all consultants the County intends to use as witnesses to testify in this matter.

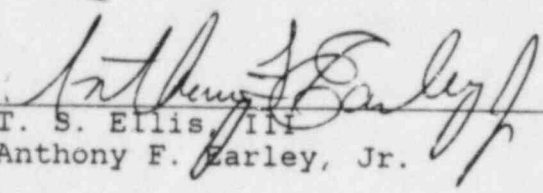
For reasons stated in LILCO's response to the County's Motion to Admit Supplemental Contentions, LILCO opposes litigation of events at other TDI diesels. It may, however, be

* This individual was not mentioned in the County's recent filings and LILCO does not know whether he continues to serve as a County consultant.

necessary for LILCO to take the depositions of owners or operators of Transamerica Delaval diesel engines in those instances where the engine and its operation are admitted as the subject of a contention in this litigation or where the County is permitted by the Board to pursue discovery with respect to these other engines.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY


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DATED: February 17, 1984

LILCO, February 17, 1984

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 Submission of Proposed Requests for Documents and List of Probable Deponents were mailed this date to the following by first-class mail, postage prepaid, or were served by hand, as indicated by an asterisk:

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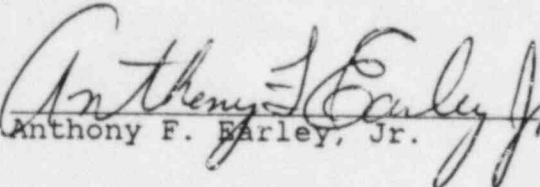
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