

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 FEB 24 A10:30

Before the Atomic Safety and Licensing Board

OFFICE OF THE SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

Docket No. 50-322-OL

SUFFOLK COUNTY'S MOTION FOR BOARD
TO ENFORCE ITS ORDER
COMPELLING DISCOVERY FROM LILCO

On August 25, 1983, this Board issued its Memorandum and Order Granting Suffolk County's Renewal of Motion to Compel Discovery (the "Order"). Among other things, the Order required LILCO to comply with the County's request (item 3) for

Any and all documentation regarding
LILCO's inspection and audit of the
Delaval manufacturing process for the
diesel cylinder heads

On September 14, 1983, Suffolk County wrote to LILCO asking for such documentation, namely, copies of the "objective evidence" which was specifically referred to in the "comments" section of Stone & Webster audit evaluation forms for audits of October 28-30, 1975, February 23, 1976, and June 18, 1976. LILCO replied by letter of October 25, 1983, that "LILCO has already produced all documents responsive to the cylinder head discovery request that were in LILCO's possession," and suggested the "additional

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responsive documents are in Delaval's possession" The County sent LILCO another reminder of the request on November 17, 1983. Copies of the foregoing correspondence are attached to Suffolk County's Answer and Opposition to LILCO's Motion to Set Schedule, dated December 23, 1983.

By letter of January 24, 1984, counsel for Delaval notified the County that the "objective evidence" documentation was "in the possession of Stone & Webster Engineering Corporation which serves as a consultant to Lilco. Accordingly, such information should be sought from Lilco."

On February 1, 1984, the County wrote to LILCO, informing them of Delaval's response, objecting to being whipsawed on this matter, and stating that we expected to receive the "objective evidence" documentation promptly. LILCO replied on February 20, 1984 that ". . . we have already produced all of the documents in LILCO's and SWEC's possession concerning SWEC audits of TDI for LILCO."

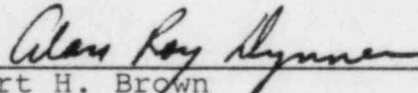
LILCO's reply is not completely responsive to this Board's Order, as quoted above. Clearly the documentation constituting the "objective evidence" referred to in the audit evaluation forms, without which the audits and inspections cannot be adequately analyzed, falls within the Board's Order. If such documentation is not in the possession or subject to the control of LILCO, SWEC, Delaval, or their agents, consultants or contractors, there is a serious violation of the requirements of 10 C.F.R. Part 50, Appendix B. If there is not such a violation of NRC Regulations, then the County is entitled to the immediate

production of those documents, which this Board first ordered LILCO to produce six months ago.

Therefore, Suffolk County hereby moves for this Board to enforce its Order by requiring LILCO either to produce the "objective evidence" documentation immediately, or to state unequivocally that such documentation is not in the possession or subject to the control of LILCO, SWEC, Delaval, or their agents, consultants or contractors.

Respectfully submitted,

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February 21, 1984

Before the Atomic Safety and Licensing Board

Docket No. 50-322 O.L.

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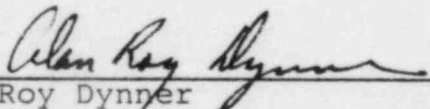
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DATE: February 21, 1984

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