

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Energy and Licensing Board

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

Docket No. 50-322-OL

SUFFOLK COUNTY'S RESPONSE TO LILCO'S
REQUEST FOR PRODUCTION OF DOCUMENTS

1. Suffolk County has no reports, memoranda or calculations responsive to LILCO's Request for Production of Documents dated March 1, 1984, except as follows:

a. Reports, memoranda and calculations of LILCO, its contractors and consultants, previously supplied to the County by LILCO, copies or originals of which are already in LILCO's possession or under its control;

b. Reports, memoranda and calculations relating to the M.V. Columbia, the M.V. Pride of Texas, the M.V. Star of Texas, and the M.V. Edwin H. Gott obtained from responses to subpoenas issued by the Board to the owners or operators of such vessels, copies of which have been previously supplied to LILCO;

c. Reports, memoranda and calculations prepared by or sent to the NRC Staff, copies of which have been previously supplied to LILCO by the NRC Staff, or which are referred to in such documents

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previously supplied to LILCO, or which are specifically referred to in the County's Supplemental EDG Contentions;

d. A preliminary memorandum of Ocean Fleets Consultancy Services relating to the crankshafts' failure to meet the standards of Lloyd's Register of Shipping, and Professor Christensen's calculations to the same effect. As discussed at the February 22, 1984 conference of the parties (Tr. 21,643), such information is preliminary and must be confirmed by reference to drawings and specifications for the replacement crankshafts, which have not yet been supplied to the County or its consultants.

As indicated at the February conference and committed to by the County to LILCO, Suffolk County will have its expert consultants prepare reports, memoranda and calculations regarding the County's analyses of the TDI diesel engines and their components and supporting the County's contentions. However, such reports will not be prepared until after the requested diesel component drawings have been received and reviewed and after sufficient discovery has been completed to permit the County to reach meaningful and supportable conclusions. As stated in the letter from the County's counsel to counsel for LILCO, dated March 14, 1984 (a copy of which is attached hereto as Exhibit 1) setting forth the status of other EDG discovery matters, the County will provide LILCO with early information concerning the analyses the County's consultants are performing (see para. (6)).

As of this date: (i) some, but not all, drawings of TDI diesel components were received by the County's consultants on March 19, 1984;

(ii) LILCO's responses to the County's March 1, 1984, document discovery request has been limited to diesel deficiency reports, and partial documents received on March 19, 1984; and

(iii) A visit to inspect documents at TDI is scheduled for March 22 and 23, 1984.

LILCO has not yet responded to any matters referred to in Exhibit 1, including identifying LILCO, TDI and TDI Owners' Group personnel and the authors of FaAA reports, or notifying the County of the availability of individuals for depositions. This lack of prompt responses by LILCO can only result in inefficiency and delay.

2. With respect to LILCO's Request No. 115, the parties have agreed initially to exchange lists of publications by their experts. See Exhibit 1 at para. (7). The County objects, however, to LILCO's request for the production of documents relating to "onsite or offsite power requirements for nuclear power plants." Such documents are neither relevant to the subject matters involved in the pending proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

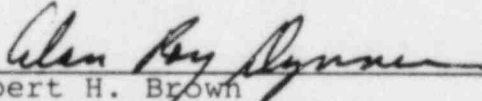
3. LILCO's Request No. 116 is for documents that discuss anticipated low power operating conditions at Shoreham that concern

(a) onsite and offsite AC power requirements; (b) accident scenarios; and (c) LILCO's ability to supply such power as would be necessary to assure public health and safety during low power testing up to 5%.

Suffolk County objects to this request because such documents are neither relevant to the subject matters involved in the pending proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,

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Attorneys for Suffolk County

March 20, 1984

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March 14, 1984

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Re: EDG Discovery

Gentlemen:

This letter will confirm the areas of agreement and disagreement as to certain discovery matters discussed during the March 9 teleconference among yourselves, Richard Goddard, Alan Dynner, Larry Lanpher and myself.

(1) As to the scheduling of depositions, it was agreed that the parties should provide each other as soon as possible with the dates on which the individuals whom the parties wish to depose will be available for depositions. The County informed LILCO that its three expert witnesses, Dennis Eley and Professors Anderson and Christensen, generally would be available throughout the current period set aside for depositions, but specified that Professor Christensen would not be available the week of April 9 and Mr. Eley would not be available April 3. LILCO did not provide any information on the availability of any of their listed witnesses. In addition, the parties noted that Passover and Good Friday fall within this time period. The County indicated that Mr. Dynner would be unavailable on Passover and that expected difficulties in making travel arrangements for Good Friday could preclude taking any depositions that day. LILCO agreed to ascertain whether these religious holidays would affect the taking of depositions of persons that the County seeks to depose. Finally, the County stated that it would attempt to schedule the depositions geographically (such as all witnesses being deposed in Arizona or in the Bay area would be deposed during a single deposition period) so as to make more efficient use of the time set aside for discovery.

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The parties agreed that it would not be feasible to take depositions during the first discovery period. Because the County's experts have only preliminary information and have not yet received the drawings or specifications for the EDG components, LILCO's depositions of those experts now would not be particularly useful and would likely require multiple depositions of the same person. Similarly, the taking of depositions by the County would not be particularly fruitful without the informed assistance of its experts. The parties also agreed that it would be exceedingly difficult for the parties to take all the depositions they seek within the second discovery period. The County again indicated that it would likely move to extend the discovery period as soon as the Board issues its formal prehearing conference order and LILCO again noted its likely opposition to any such motion.

(2) LILCO generally objected to the number of depositions that the County seeks to take and noted that it was "surprised" at that number because the County allegedly had indicated previously to the Board that only twelve depositions would be taken. The County pointed out that no such limitation was suggested, and quoted from its February 17 letter to LILCO that its thinking on depositions at that time was only at the preliminary stage and that the County was considering deposing appropriate LILCO, FaAA and TDI personnel and contractors, including the twelve individuals specifically identified.

(3) The County indicated that LILCO had not responded at all to its March 1 request that LILCO identify the subject matter of the testimony of each of LILCO's expert witnesses. LILCO stated that it could not identify the specific subject matters until it had a better idea of the County's contentions and the bases therefor. The County stated that the contentions and their detailed bases provided more than adequate information for LILCO to identify the expected subject matter of its experts' testimony.

LILCO did provide the following general subject matters of the testimony of its experts: Seamen (all aspects of the DRQR); Swanger (DRQR and bearings); Youngling (EDG startup testing, general operating aspects and operating history); Museller (overall diesel efforts, DG recovery program, all aspects of the diesels); Kammeyer (engineering questions and dispositions, cylinder heads, and perhaps cylinder head studs, rocker arm capscrews and air start capscrews); Wells (FaAA efforts); and Rogers (DRQR, particularly design review, and instrumented crankshaft testing on EDGs 101 and 103). LILCO

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stated that probably only one of LILCO's German consultants (Pishinger) would testify and that it was difficult to pinpoint one particular aspect as to which he would testify. LILCO also indicated that FaAA's Mr. McCarthy might be called as an expert witness, but did not specify the anticipated subject matter of his testimony. The County expects that LILCO will provide more detailed information as to the subject matters of the testimony of LILCO's expert witnesses as soon as possible.

LILCO also did not provide the County with specific information as to the identity of any individual employed by TDI who would be called as an expert witness, nor did LILCO provide the County with the other identifying information requested in its March 1 letter as to:

"each individual in TDI with principal day-to-day responsibility for diesel engine design, for the design of crankshafts, for the design of pistons, and for the design of each other component of the Shoreham EDGs which has experienced failures, cracking, or linear indications. ...[and] each individual in TDI with principal day-to-day responsibility for the manufacture of components in the TDI R-48 diesel engine, as to casting, machine shop, and other significant manufacturing process."

LILCO stated that no decisions had been made as to whether any TDI employees would be called as witnesses and that it could not tell the County who the TDI experts are as to each area of responsibility. LILCO suggested that Messrs. Matthews and Trussell of TDI might be called as expert witnesses but stated that the County should contact TDI's counsel directly for this information. Please be advised that the County now intends to take the deposition of Mr. Trussell, as well as that of Mr. Museller as we previously indicated, on the general subject of TDI diesel engine design and manufacturing, engine rating, defects and failures. Further, the County expects that other persons may also be designated for depositions after review of initial discovery materials is completed.

The County noted that LILCO also has not complied with the County's March 1 request that LILCO identify:

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"by name, organization, position, expertise, responsibility and function: . . . each other individual, whether an employee, consultant, contractor or agent of LILCO, or an employee of such a consultant, contractor or agent, primarily responsible for the design review, quality review, failure analysis, inspection, or testing of a component of the Shoreham EDGs in LILCO's diesel recovery program or in the DRQR applicable to Shoreham."

LILCO objects to the County's deposing each of these as yet unidentified individuals. The County indicated that no final decision on the number of deponents could be made until the County received and analyzed the requested identifying information as well as the drawings and documents previously requested. The County stressed that it particularly sought the identities and responsibilities of those individuals with "hands on" responsibility for design and quality review, and not just the identities of those who oversee the DRQR program. LILCO agreed to provide the County with the names of these individuals with "hands on" responsibility and the general areas of their responsibility, but without necessarily agreeing to their depositions. LILCO also agreed to confirm the current accuracy of the information contained in the attached DRQR Program Sheet and to inform the County of any additional general areas to be covered by the DRQR and the identities of the persons responsible for those areas.

(4) The County indicated in its March 1 letter that it intended to depose an official of Elliott Turbochargers. Mr. Rolfe stated in his March 2 letter that LILCO doesn't control Elliott employees and that the County should contact Elliott directly or through TDI's counsel. The County stated that the Board had directed LILCO to take the lead on discovery matters generally and, as to this matter in particular, the County believed that, at the very least, LILCO should ascertain whether TDI has attempted to gain Elliott's cooperation. LILCO stated that Elliott had been contacted but had not been particularly cooperative. At the County's request, LILCO agreed to provide the names of the persons at Elliott who were contacted.

(5) The County also stated that LILCO had not complied with its request to identify the authors of the FaAA reports which do not on their face indicate who the authors are. LILCO stated that the reports generally have more than one author and

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that a number of individuals had input into the reports. The County requested that LILCO identify the authors of each report, the person who had input into the reports and the areas for which they were responsible. LILCO indicated that it would attempt to supply such data, again without necessarily agreeing that the persons so identified would be appropriate persons to be deposed.

(6) The parties agreed that prior to taking each deposition they would identify the subject matters that they intended to pursue with the deponent and the documents that the deponent would be questioned about. At LILCO's request, the County also agreed to provide LILCO, prior to the depositions of the County's expert witnesses, with a description of the types of analyses they have or are performing. The County also informed LILCO that, under the current discovery schedule, the County's experts probably would not have time to prepare final written reports of their analyses prior to their depositions.

(7) The County also noted that LILCO had requested copies of publications and other writings of the County's experts on certain matters and requested that LILCO provide the County with its experts' publications and writings on the same matters. The parties agreed initially to exchange lists of the publications of their experts from which the parties could later select specific publications to be produced.

(8) In an earlier telephone call, the County had inquired as to whether LILCO would permit the County's experts to physically inspect any failed or damaged EDG components. LILCO indicated that inspections of certain components might not be practicable, such as those that are currently in use. The County agreed to provide LILCO with a list of specific components which it wished to inspect.

Very truly yours,

Douglas J. Scheidt
Douglas J. Scheidt

cc: Richard J. Goddard, Esq.
Fabian G. Palomino, Esq.
Robert E. Smith, Esq.

D.G. DESIGN REVIEW QUALITY REVALIDATION PROGRAM

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G.W. ROGERS (F)

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2. VALVES J. DIMARE (S)	
3. PUMPS T. FRITCH (S)	
4. END J. FREEMAN/ D. ESIELIONIS (S)	
5. I.E.C. T.M. JACOB (S)	
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7. BEARINGS-RODS-GEARS N.K. COOPERRIDER (F)	
8. HEADS-CASTINGS D.O. COX (F)	
9. STRUCTURAL/MECHANICAL P.R. JOHNSTON (F)	
TOTAL ESTIMATE	14
ENGINEER'S STAFF	50

DIESEL CONSULTANTS
1. FEV
F. PISCHINGER (C)
P. KRUYER (C)
P. THOLEN (C)
2. KARL SCHMIDT
3. OTHERS

OWNERS' REPRESENTATIVES
1. SITE ENGINEERS
2. DESIGN SPEC.
3. TDI REP.

COMPONENT SELECTION COMM.
1. FoAA
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3. DIESEL CONSULT.
4. OWNERS' REP.
5. TDI REP.
PERSONNEL 5

OWNERS' REPRESENTATIVES
1. R48
2. RV16
3. RV12
4. RV20
PERSONNEL 11

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E. HESS (S)
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R. WHITE (S)
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120 - TOTAL PERSONNEL

F - FAILURE ANALYSIS ASSOCIATES
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O - OWNER REPRESENTATIVE
C - CONSULTANTS

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Docket No. 50-322 O.L.

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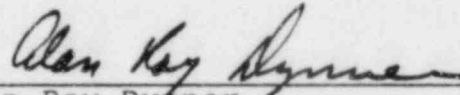
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DATE: March 20, 1984

By Federal Express
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