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SUFFOLK COUNTY, July 24, 1984
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 JUL 25 P3:14

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
IN CHARGE
NRC

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

Docket No. 50-322-OL

SUFFOLK COUNTY'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS

Suffolk County hereby moves the Presiding Officer of this Board, pursuant to 10 C.F.R. §2.740(f), for an order compelling Long Island Lighting Company ("LILCO") to produce the documents listed below. All of the requested documents are relevant and material to the admitted contentions of the County. As indicated below, LILCO has not objected to the production of most of these documents, but they have not been produced to the County.

1. German Design Criteria for Crankshafts

During the deposition of Dr. Pischinger (Deposition tr. 103-104) (Exhibit A) the County requested the production of the German design criteria used by Dr. Pischinger (F.E.V.) in his

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evaluation of the replacement crankshafts. Dr. Pischinger testified in his deposition that his preliminary calculations showed that the replacement crankshafts are "just on the boundary" of satisfying these criteria. (Id. at 98-99.) These criteria are the basis for one aspect of the County's contention 1(a).

Counsel for LILCO responded to the request by stating that this design criteria is publicly available. (Id. at 104.) The County has attempted to obtain this information from sources other than LILCO but has not been able to do so.

2. FaAA Calculations

In request number I.A.1.3 of its February 29, 1984 discovery request, the County requested the production of documents showing calculations used for meeting ABS standards for the size of the replacement crankshaft. In addition, during the deposition of Dr. Johnston (Deposition tr. 21) (Exhibit B-1), the County specifically requested LILCO to produce Dr. Johnston's hand calculations under the ABS rules concerning the dimensions of the crank pins and journals and crankshaft webs. This request was confirmed by letter dated June 4, 1984. (Exhibit B-2.) On July 13, LILCO refused to produce those calculations claiming that they are preliminary and are covered by

an FaAA report produced to the County. (Exhibit B-3). The County submits that the requested calculations are not covered in any FaAA report produced to the County. In fact, Dr. Johnston specifically testified that these calculations were not contained in the FaAA crankshaft report (Deposition tr. 21) (Exhibit B-1.). These calculations are directly relevant to the County's contention 1(a) that the replacement crankshafts do not meet the ABS rules.

3. Crankshaft Forging Specification

The County requested forging specification D-4774 for the replacement crankshafts by telephone call to counsel for TDI on July 6. (Exhibit C.) The County became aware of this particular specification on July 6 when the County received from TDI the purchase specifications for the replacement crankshafts. The County also had previously requested documents showing the manufacturing specifications for the forging of the replacement crankshafts in its February 29 discovery request. The requested forging specification may contain information relevant to the County's calculations under Lloyd's and ABS rules, as those rules take into consideration the type of forging used to manufacture the replacement crankshafts, and this is relevant to the County's contention 1(a). Counsel for TDI responded to

this request by stating that he would consider it. Forging specification D-4774 has not been provided to the County.

4. Documents Showing Heat Treatment Processes on the Replacement Crankshafts-----

During the deposition of Dr. Johnston (Deposition tr. 37) (Exhibit D-1), the County requested the production of documents showing the heat treatment processes for the replacement crankshafts. This request was confirmed by letter dated June 4, 1984 (Exhibit D-2), and is relevant for the same reasons as stated in item 3 above. Counsel for LILCO responded to this request by letter dated July 18 by stating that the County would have to obtain this information from TDI and that LILCO has encouraged TDI to respond as quickly as possible. (Exhibit B-3.) No such documents have been produced.

6. Details of the Weight of the Replacement Cylinder Block

The County received a copy of the drawing of the replacement cylinder block for EDG 103 from TDI in late June, even though the County had requested drawings of all EDG components in its February 29 discovery request and specifically repeated the request as to the replacement block by letter dated June 7. (Exhibit E-1.) Upon receipt of this drawing, which did not provide any details as to the weight of the block, the County

requested documents showing such details by letter dated July 2. (Exhibit E-2.) This information is relevant to the County's contention 2, that the design of the replacement cylinder block is inadequate, as the additional weight of the replacement block may exacerbate the tendency of the blocks to crack. Counsel for LILCO responded to this request by stating that she had made telephone calls to TDI concerning this request. (Exhibit E-3.) No responsive documents have been produced.

6. Material Properties of the Cylinder Blocks

During the deposition of Mr. Museler (Deposition tr. 76-77) (Exhibit F-1), the County requested the production of documents concerning the material properties of the cylinder blocks of all three EDGs. By letters dated June 12 and July 9 (Exhibits F-2 and F-3), the County repeated this request. Counsel for LILCO stated that she had telephoned TDI concerning this request. No documents have been produced pursuant to this request.

Similarly, by letter dated July 9 (Exhibit F-4), the County requested certain foundry inspection reports and reports on chemical and physical properties of the original cylinder blocks that were referred to in, and at one time were attached to, a March 30, 1983 memorandum obtained by the County through

discovery. Counsel for LILCO has not responded to this request.

These documents are relevant to the County's contention 2, as FaAA has indicated that the material properties of the blocks may contribute to the cracking of the blocks.

7. Glenallen, Alaska, Cylinder Block Documents

During the deposition of Dr. Wells (Deposition tr. 42) (Exhibit G), the County specifically requested the production of documents relating to problems with the TDI engines at Glenallen, Alaska, and relevant to the County's contention 2 on cylinder blocks. The FaAA cylinder block report relied on the continuous operation of these engines with known ligament cracks as evidence that the cracks in the Shoreham cylinder blocks are unlikely to propagate. The only Glenallen documents produced by LILCO in response to this request do not relate to the cylinder blocks at Glenallen.

8. M/V Gott Cylinder Block Documents

By letter dated May 29 (Exhibit H), the County requested the production of correspondence between TDI and the ABS concerning the cylinder block top fractures on the M/V Gott, including copies of any response by ABS to two TDI letters

dated October 28 and November 30. TDI had requested the ABS to concur in TDI's opinion that the M/V Gott would be suitable for continued service after TDI instituted various measures to prevent existing fractures from propagating and new fractures from forming. No response letters from the ABS were in TDI's files when those files were made available to the County. The FaAA cylinder block report relies on the operation of the M/V Gott with ligament cracks as evidence that cracks in the blocks at Shoreham will not propagate. This matter is thus relevant to the County's contention 2. Counsel for LILCO has not responded to this request.

9. Professor Wallace Documents

During the depositions of Edward Dobrec (Deposition tr. 105) (Exhibit I-1) and G. E. Trussell (Deposition tr. 34) (Exhibit I-2)), the County requested the production of documents written by TDI's metallurgical consultant, Professor John Wallace, that contain his comments or analyses of the R-48 engines. Professor Wallace's consulting work for TDI related mainly to the casting problems that TDI has had with cylinder heads, and also involved his views on whether shotpeening would significantly improve the fatigue strength of the replacement crankshafts. Each of these areas is directly related to the

County's contentions. The County confirmed this request by letter dated June 4 (Exhibit D-2), and specifically indicated which such documents it had already received, either in their entirety or in part. By letter dated July 3 (Exhibit I-3), TDI stated that it is continuing to search for documents responsive to this request. No documents have been produced pursuant to this request.

10. Determinations and Reviews by TDI's Material Review Board

During the deposition of Clinton S. Mathews (Deposition tr. 112) (Exhibit J-1), the County requested the production of documents showing determinations and reviews for the past 36 months by TDI's Material Review Board concerning components of the TDI series R-4 engines, including the AE piston skirts, cylinder heads and cylinder blocks. These documents directly relate to the County's contentions 2, 3 and 4 that these EDG components were not satisfactorily manufactured. This request was confirmed by letter dated June 4 (Exhibit J-2). By letter dated July 3 (Exhibit I-3), TDI informed the County that it was continuing to search for documents responsive to this request. Since that time no such documents have been produced.

11. Camshaft Drawings

By letter dated July 2 (Exhibit K), the County requested TDI to produce drawings of the camshafts for the R4 450 RPM engine (circa 1970-71), the R4 450 RPM, 185 BMEP engine (circa 1966-67), the R4 450 RPM, 240 BMEP engine, and the R3 375 RPM, 165 BMEP engine. This request was based upon the County's review of the camshaft drawing supplied to the County by TDI on June 29 pursuant to the County's June 7 request. TDI may have increased the BMEP of the engines without adequately increasing the dimensions of the camshafts. These inadequate dimensions may contribute to the cracking in the camshaft galley areas of the cylinder blocks. TDI has not responded to this request.

12. DRQR Phase II Reports on Cylinder Blocks, Cylinder Heads, Crankshafts and AE Pistons

On June 30, the County received the nine-volume set of DRQR Phase II reports. After carefully reviewing those reports, the County determined that it needed the various references (support packages, efficiency reports, engineering design and coordination reports, task evaluation reports, repair/rework requests and material test results) referred to in the DRQR Phase II reports on cylinder heads, cylinder head intake and exhaust valves, pistons, piston rings, crankshafts and

cylinder blocks. These documents provide the bases for some of the conclusions stated in FaAA's Phase I reports on cylinder blocks, cylinder heads, crankshafts and pistons.

The County identified most of the documents it sought from the Phase II cylinder block report documents in a telephone call with counsel for LILCO on July 12 and, by letter dated July 17 (Exhibit L), confirmed that request in writing and specifically identified the other Phase II report documents sought. These documents are directly relevant to the County's contentions 1-4. On July 23, counsel for LILCO informed the County that LILCO would produce the requested deficiency reports and engineering and design coordination reports, but did not provide a response as to the other documents requested.

13. Deficiency Reports

In its February 29 discovery request number I.15, the County requested the production of LILCO deficiency or non-conformance reports, and dispositions thereof, concerning the EDGs and their components. Since LILCO's March 21 formal response to this request, in which LILCO stated that it had produced a number of responsive documents including all completed deficiency reports, few responsive documents have been produced. By letter dated July 9 (Exhibit F-2), the County

repeated its request for such documents, particularly deficiency reports and dispositions as to the replacement crankshafts, AE pistons, cylinder heads and cylinder blocks. On July 23, counsel for LILCO responded that she thought that LILCO had produced most of these documents. The County seeks to compel production only of those deficiency or nonconformance reports and disposition thereof pertinent to those four enumerated components.

14. Museler Memo

By letter dated May 2 (Exhibit M-1), the County requested LILCO to produce a memorandum written by William Museler of LILCO concerning an October 17 meeting among representatives of LILCO, TDI, Stone & Webster, and FaAA to discuss problems that had arisen with the Shoreham EDG. By letter dated May 11 (Exhibit M-2), counsel for LILCO refused to produce this document, claiming that it was protected by the attorney-client privilege and the work product doctrine. By letter dated June 12 (Exhibit M-3), the County urged LILCO to reconsider its position and indicated that it would move to compel the production of this document if it were not produced. By letter dated June 27 (Exhibit M-4), LILCO again refused to produce this document.

LILCO's previous claim that this document was privileged and work product was rejected by the New York State Public Service Commission ("PSC") and the administrative law judge presiding over the prudency hearings on Shoreham, PSC Case No. 27563, In the Matter of Long Island Lighting Company, Proceeding to Investigate the Cost of the Shoreham Nuclear Generating Facility -- Phase II. (Exhibit M-5.) In that proceeding, LILCO claimed that the memorandum allegedly was prepared at the request of counsel and contains Mr. Museler's "analyses, thoughts and impressions of the October 17, 1983 meeting; ... a report of two October 11, 1983 telephone conversations between Mr. Museler and TDI personnel; ... information gathered by Mr. Museler independent of the meeting; and Mr. Museler's thoughts and suggestions on possible litigation strategy and additional prehearing investigations." (Id. at 4). LILCO argued that the document "was to be used solely to advise LILCO as to their rights and obligations with respect to the diesel generators in the ASLB Proceedings and other possible litigation involving the diesel generators." (Id.) LILCO also claimed that the memorandum "was prepared at counsel's direction and is a communication made between counsel and a client in the course of professional employment ... and has been kept confidential and the privilege has not otherwise been waived." (Id.)

The presiding administrative law judge denied LILCO's assertions of privilege and work product, and the PSC affirmed that decision. In rejecting LILCO's claims, the administrative law judge held that "Mr. Museler was attending the meeting ... as Director of LILCO's Office of Nuclear, and in the regular course of his duties as a company employee. He was not an outside expert retained to advise Company counsel in pending litigation.... The meeting was held to consider the reasons for the alleged generator failures not to prepare for litigation." (Exhibit M-5 at 2-3.)

The County agrees with the decision of the PSC and urges this Board to compel the production of this memorandum. As the Staff of the PSC argued, "Mr. Museler's attendance at the meeting was a routine part of his job." (Exhibit M-5 at 5.) Documents prepared by Mr. Museler in the normal course of his activities are not protected from discovery. Nor does the fact that the memorandum was sent to LILCO's attorneys transform it into privileged material, as a communication is not privileged simply because it is sent to an attorney.

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15. References Cited in FaAA Reports on Pistons, Crankshafts, Cylinder Blocks and Cylinder Heads

In its March 30 discovery requests, the County requested the production of all references cited in the FaAA reports on the EDG components. Although LILCO produced some documents in response to this request, LILCO objected to the production of any responsive documents that were publicly available. Although the County did not agree with LILCO's objection, the County attempted to obtain some of the requested documents through other sources. By letter dated July 17 the County specified the following references that it has not been able to obtain: references 1-1, 1-5 and 1-9 of the 5/84 cylinder head report, references 3-1, 3-2 and 4-2 of the 6/84 cylinder block report, references 2-3 of the 6/84 piston report on thermal distortion, reference 3-1 of the 5/23/84 AF and AE piston report, and references 3-4 of the 4/19/84 crankshaft report. On July 23, counsel for LILCO stated that LILCO would comply with this request. The County will withdraw its motion to compel these documents upon their prompt receipt.

16. FaAA Crack Standard PAO-C-1 and FaAA NDE Procedure 6.2

The County requested copies of these documents by letter dated July 2 (Exhibit E-2) after reviewing other AE piston

documents received from LILCO on June 22 that referred to these documents. These documents are directly relevant to the County's contention 4 concerning the AE pistons, as they show how FaAA determines whether a crack in a piston skirt is relevant and the procedure used by FaAA to determine the existence and growth of cracks. The County received no response to this request until July 23 when counsel for LILCO stated that LILCO would produce these documents. The County will withdraw its motion to compel as to these documents upon their prompt receipt.

17. Photographs of the Shotpeening of the Replacement Crankshafts

These photographs are directly relevant to the County's contention 1(b) that the shotpeening of the replacement crankshafts was not properly performed. Franklin Research Center reviewed these photographs and reported that the surface texture of the shotpeened areas of the crankshaft looked more like grit blasting than shotpeening.

The County originally requested these photographs from the NRC Staff. In early July, the Staff notified the County that it did not possess copies of these photographs and suggested that the County request them from LILCO. By letter dated July

9, 1984, (Exhibit F-3), the County formally requested LILCO to produce copies of these photographs or, if extra copies were not available or could not be made quickly, permission from LILCO to inspect the copies in LILCO's possession (Exhibit A). Counsel for LILCO responded to this request on July 23 by stating that LILCO would permit the County to inspect the copies in LILCO's possession only at LILCO. When asked whether TDI had other shotpeening photographs, counsel for LILCO stated that TDI was checking to see whether it had any such photographs. If such copies exist, the County seeks to compel their production.

* * *

Suffolk County respectfully requests the Presiding Officer of the Board to compel LILCO to produce copies of the documents listed above as soon as possible. These documents are needed for analysis and possible use in connection with preparation of the County's pre-filed testimony, which is due on July 31. The County's counsel has been attempting to coordinate discovery with LILCO's counsel on an efficient basis, and almost all discovery has been provided without recourse to the Board. The exigencies of time now unfortunately require such recourse for the foregoing especially relevant and important documents.

Respectfully submitted,

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Attorneys for Suffolk County

July 24, 1984

EXHIBIT A

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station

Unit 1)

)
)
) Docket No. 50-322-OL-3
)
)
)

Deposition of Franz F. Pischinger

New York, New York

Thursday, June 21, 1984

AR

ALDERSON REPORTING

(202) 628-9300

1 A Yes.

2 Q Under the German code, do the Shoreham
3 diesel engines satisfy the requirements of the German
4 code?

5 A It's just on the boundary. If you ask me
6 that way, if I would design a crank shaft in Germany for
7 this engine, it would be a little thicker.

8 Q A little thicker?

9 A Not only of this engine. Of others,
10 too. It is a fact that is known in the -- well, under
11 engine manufacturers, this is a more conservative code.
12 Maybe it will be given up one day.

13 Q I understand you think the German code is
14 more conservative than any other code.

15 A It's a fact.

16 Q Dr. Pischinger, with respect to your use
17 of the German code, was it just with respect to the
18 crank shafts, the replacement crank shafts?

19 A Well, this is one of the main topics.

20 Q I understand. My question is a little
21 broader. I want to make sure we were on the same wave
22 length. I asked if under the German code, the three

1 Shoreham diesel engines meet the requirements of that
2 code?

3 My question is not limited just to the
4 crank shaft.

5 MR. STROUPE: Talking about the entire
6 engine.

7 THE WITNESS: Well, there is no such
8 general code which covers all parts of the engine.

9 Q When you said to me that it's just on the
10 boundary, were you referring to the crank shafts?

11 A Crank shaft, yes.

12 Q Any other component?

13 A No, the crank shaft.

14 A When you say --

15 A The bearing, for instance, just to give
16 you an example, the load on the bearing of the
17 connecting rod of the lower large bearing, this is again
18 a very conservative bearing.

19 The German bearing loads are higher
20 usually. So, engine practice is a little different,
21 according to experience. But I am aware of it. At the
22 moment, I am just beginning with a comparison of all the

1 A No. We have to -- you have to make certain
2 assumptions because you need in-depth pressure
3 measurements in such engine. If you do not have it,
4 you have to assume it.

5 Q Has that data ever been supplied to you?

6 A I think this data, pressure measurement at
7 3900 rpm are not in my hands. No.

8 Q What measure rating did you assume in your
9 calculations at 3900 kw?

10 A You mean peak pressure?

11 Q Yes.

12 A I do not know it by heart.

13 Q You don't recall?

14 A No.

15 Q Is it fair to say, Dr. Pischinger, that the
16 assumptions you made in your calculations at 3900 kw
17 were conservative estimates, in your opinion?

18 A Yes.

19 MR. MILLER: Mr. Stroupe, we would request a
20 copy of the German design code that has been referred
21 to by Dr. Pischinger?

22 MR. STROUPE: Mr. Miller, you know our

1 position on things that are a matter of public record.
2 Dr. Pischinger has indicated it is published. In that
3 situation, our responsible has always been, it is as
4 available to you as it is to us.

5 THE WITNESS: That's true, you know.

6 MR. STROUPE: And Dr. Pischinger agrees with
7 that.

8 THE WITNESS: I just wanted to -- it's not
9 even the newest literature. It's about ten-to-fifteen
10 years ago. If you take Japanese figures, they are much
11 more recent.

12 Q Much more what?

13 A They are published -- well, a few years ago
14 only.

15 Q Japanese codes is more recent?

16 A Yes, more recent.

17 Q You didn't use the Japanese code, though, in
18 your calculations, did you?

19 A No. But some of Japanese strength figures
20 have been for comparison used in the report of FAA.
21 Also, gives good back-up of the position here.

22 MR. MILLER: Mr. Stroupe, we will also

EXHIBIT B-1

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station)
Unit 1))

Docket No. 50-322-OL

DEPOSITION OF PAUL R. JOHNSTON

May 9, 1984

VOLUME I - Afternoon Session

Reported by:

KEMBLE ANTZ, CSR 669

TOOKER & ANTZ

CERTIFIED SHORTHAND REPORTERS

681 MARKET STREET
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(415) 392-0650

FREDERIC R. TOOKER

KEMBLE ANTZ

1 MS. TARLETZ: I object as being overly broad. Any
2 calculations is very broad. Dr. Johnston has made quite a
3 few calculations.

4 Could you be more specific?

5 MR. SCHEIDT: Q Did you use different peak firing
6 pressures for 110 percent load in any of the calculations
7 that you performed concerning the replacement crankshafts?

8 A I believe if you look at the report, you will see
9 that the calculations that I made on the crankshaft were
10 made at 100 percent load, and that the 110 percent condition
11 was considered by extrapolating from a test measurement at
12 3800 KW.

13 So that I would not have used a pressure measurement
14 at 110 percent load.

15 Q Was that approximately 108 percent load?

16 A 108, 109, something like that. 110 percent load
17 is not, it is not the right load. I mean 3900 KW is not
18 110 percent of 3500. You use 110 percent in the loose sense.
19 It is really I believe 111.4 percent or something like that.

20 Q Okay. Are the calculations that you made concerning
21 whether the replacement crankshaft meets the ABS design code
22 in writing?

23 A They are not in the report. I did do some hand
24 calculations to demonstrate that so they are in writing.

25 Q And how many pages would those calculations cover?

26 A A couple.

27 MR. SCHEIDT: I would request those calculations
28 be made available to the County.

EXHIBIT B-2

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

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June 4, 1984

WRITER'S DIRECT DIAL NUMBER

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Odes L. Stroupe, Jr., Esq.
Hunton & Williams
P.O. Box 109
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Raleigh, North Carolina 27602

Dear Odes:

As you know, during some of the depositions that were taken in this proceeding, Suffolk County requested the production of the following documents:

1. Documents showing FaAA procedure NDE 11.5 (see Harris deposition at Tr. 67-68).
2. Documents showing the inspection reports referred to on page 6-1 of the February 27, 1984 FaAA report entitled "Investigation of Types AF and AE Piston Skirts" (see Harris deposition at Tr. 67-68).
3. The report prepared by Mr. Taylor regarding the piston replacement on the M/V Star of Texas (see Taylor deposition at Tr. 12).
4. Hand calculations of Dr. Johnston under ABS rules concerning the replacement crankshafts (see Johnston deposition at Tr. 21).
5. Documents showing the U.T.S. of the replacement crankshafts, and documents showing the heat treatment processes for the replacement crankshafts (see id. at Tr. 37).
6. Drawings depicting the location of the pressure transducer during EDG testing during January 1984 by Stone & Webster and FaAA (see id. at Tr. 54-55).
7. Documents showing the results of Dr. Chen's Holzer analysis of the replacement crankshafts (see Rogers deposition at Tr. 128).

Odes L. Stroupe, Jr., Esq.
June 4, 1984
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8. Dr. Swanger's report on turbocharger thrust bearings (see Swanger deposition at Tr. 88).

9. The support package under FaAA's QA for FaAA's report, Design Review of Connecting Rod Bearing Shells (see id. at Tr. 186-187).

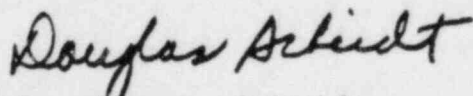
10. Documents showing draft agreements between FaAA and the TDI Owners Group since January 1984 and documents showing any final agreement between FaAA and TDI (see Wells deposition at Tr. 10).

11. Documents received by FaAA or LILCO relating to problems with the Glen Allen engines (see id. at Tr. 42).

12. All documents concerning the certification of the replacement crankshafts by ABS, including correspondence and other documents showing communications with ABS concerning the replacement crankshafts, and documents showing calculations made under the standards of major classification societies concerning the adequacy of the replacement crankshafts (other than those calculations already provided to the County by TDI) (see id. at 165).

Please respond to these requests as soon as possible.

Very truly yours,


Douglas J. Scheidt

cc: Darla B. Tarletz, Attorney
Richard J. Goddard, Esq.
Robert E. Smith, Esq.

EXHIBIT B-3

HUNTON & WILLIAMS

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July 18, 1984

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FILE NO. 24566.3

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FEDERAL EXPRESS

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Long Island Lighting Company
Docket No. 50-322-OL
Document Discovery Requests

Dear Doug:

The purpose of this letter is to respond to some of the questions you raised in your July 9, 1984 letter to me.

June 4, 1984 Follow-up Document Discovery Request

1. Item 4 - LILCO continues to object to production of preliminary hand calculations that are covered by a final report produced to the County. The Board's February 22, 1984 Bench Order made it clear that this litigation is not to be conducted on the basis of preliminary calculations, but final reports.

2. Item 5 - LILCO has encouraged TDI to respond as quickly as possible to the requests for documents showing the heat treatment process for the replacement crankshafts on the Shoreham EDG's.

3. Item 10 - No documents exist responsive to this request.

4. Item 11 - Enclosed you will find a document responsive to this requirement.

HUNTON & WILLIAMS

Douglas J. Scheidt, Esq.

Page 2

July 18, 1984

June 12, 1984 Follow-up Document Discovery Request

1. March 30 Request No. I - As set forth in my letter dated May 22, 1984 to you, LILCO continues to object to the production of documents that are available to the County in the public domain. In your June 12, 1984 letter, you indicated that the County had unsuccessfully attempted to obtain several EPRI reports (Request Nos. I.A., 13, 15 and B.10). Enclosed you will find a copy of the document responsive to Request No. I.A.15. As I indicated to you in our conversation by telephone on Thursday, July 12, 1984, the other two reports (Request Nos. I.A.13 and B.10.) are documents available through Failure Analysis Associates for a fee. It is my understanding that FaAA would require a fee for this material no matter who requested it, including LILCO. As I indicated, the fee is \$100 for the manuals responsive to those discovery requests and \$4200 if the listing of the computer program is included. LILCO objects to assuming the responsibility for these costs, but will facilitate production of the documents if the County agrees to pay the necessary fees.

2. Request for production of minutes, etc. regarding the meeting attended by Dr. Chen concerning the engine blocks - As I told you in our telephone conversation on July 12, 1984, no documents exist responsive to this request.

3. Request for a copy of the table of loads and graphs referred to by Mr. Museler in his deposition - As I indicated to you in our telephone conversation on July 12, the table of loads can be found in the FSAR which has already been furnished to the County.

February 29 Documents Discovery Requests

1. Contention I.6 - This request asks for "blueprints, specification sheets, operating histories, quality documentation and test records, provided by TDI to the TDI Owners' Group." Your July 9, 1984 letter merely indicated that the County has never received a "satisfactory response" to this request. LILCO's records show, however, that the County has received documents responsive to this request including a copy of the component tracking list, drawings and other documents available for the County's review at TDI's office.

4. Contention I.21(a) - LILCO responded to this request by providing the County with a copy of the DRQR program component tracking list and all final TDI Owners Group reports. As you pointed out, LILCO objected on March 21, 1984 to

HUNTON & WILLIAMS

Douglas J. Scheidt, Esq.

Page 3

July 18, 1984

producing any other documents on the grounds that such production would be burdensome and oppressive. In light of those objections, you are now defining a new request for documents. LILCO objects to this request because it is outside the time period allowed for discovery and does not qualify as a natural follow-up request from a deposition or document already provided to the County. If the County did not agree with LILCO's March 21 objection, the County had ample time to reformulate its request before the close of discovery.

Privileged Documents

LILCO has not withheld any documents pursuant to a claim of either attorney client or work product privilege that would be responsive to any of the County's document discovery requests except as noted in the letter dated May 11, 1984 referenced on pages 2-3 of LILCO's May 31, 1984 Response to the County's March 30, 1984 Requests.

LILCO will continue to respond to your inquiries as soon as possible.

Sincerely,

Darla B. Tarletz

for

Darla B. Tarletz

226/669

cc: Mr. Bruce Germano

EXHIBIT C

M E M O R A N D U M

TO: Suffolk County/Shoreham File
FROM: Douglas J. Scheidt
DATE: July 6, 1984
RE: Telecon with David Ross

1. (a) I referred Ross to my 6/7 letter requesting Ron to confirm that the drawing of the replacement crankshafts that we received, 03-310-05-AC, was the same as the drawing to which the replacement crankshafts were manufactured, (b) informed him that the ABS correspondence and the TDI purchasing department files on the replacement shafts indicated that the shafts approved by ABS and the manufacturing specifications referred to drawing 03-310-05-AK. Ross said he would check into it.

2. I also reminded Ross that we had requested everything sent to ABS, including the drawings, and that the ABS correspondence indicated that ABS returned approved/stamped drawings to TDI. I requested that we be provided with such drawings unless we already had them.

3. I also requested forging specification D-4774 (referred to in the purchasing department files).

EXHIBIT D-1

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

--oOo--

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	
)	Docket No. 50-322-OL
(Shoreham Nuclear Power Station)	
Unit 1))	
<hr/>		

DEPOSITION OF PAUL R. JOHNSTON

May 9, 1984

VOLUME I - Afternoon Session

Reported by:

KEMBLE ANTZ, CSR 669

TOOKER & ANTZ

CERTIFIED SHORTHAND REPORTERS

681 MARKET STREET
SAN FRANCISCO 94105
(415) 392-0650

FREDERIC R. TOOKER

KEMBLE ANTZ

1 A Not to my knowledge.

2 Q Do you know whether the chemical composition of the
3 replacement crankshafts is the same?

4 A I don't know. We didn't, as I understand, I don't
5 know that we did any testing of the chemical composition.

6 The parameter that we were interested in is the
7 ultimate tensile strength which is in fact dependent upon the
8 chemical content, but to measure the ultimate tensile strength
9 one goes directly to the parameter that is of interest for
10 your analysis.

11 Ultimate tensile strengths were measured from all
12 three of the crankshafts and those measurements were the
13 measurements that I had available.

14 Whether additional chemical content analysis was
15 done or not, I don't know that it was. I would not have
16 any recommendation that it would need to be done.

17 MR. SCHEIDT: Like to make a request at this time
18 for documents that show the ultimate tensile strengths of
19 the replacement crankshafts as well as documents showing the
20 heat treatment processes for the replacement crankshafts,
21 as well as documents showing the methods of forging of the
22 replacement crankshafts or the type of forging.

23 MS. TARLETZ: Counsel, to the extent that they have
24 not already been produced or do not fall within the Board's
25 exemption from production of calculations and workpapers,
26 if the results are not incorporated in the final report, we
27 will take it under advisement.

28 MR. SCHEIDT: Q Do you know whether the crankshafts

EXHIBIT D-2

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 355-6500

June 4, 1984

WRITER'S DIRECT DIAL NUMBER

202/452-6774

Robert E. Smith, Esq.
David E. Ross, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, New York 10005

Re: EDG Discovery

Gentlemen:

During the deposition of Maurice Lowrey on May 10, Mr. Lowrey referred to cracking that occurred in cylinder blocks on engines on the Bhiel Trader, the Bhiel Traveller, the Aleutian Developer, and engines at Glen Allen, Alaska, and at Johnston Island (see Lowrey deposition at Tr. 16-18). Suffolk County hereby requests that it be provided with copies of documents addressing or referring to the cylinder block cracking on these engines.

During the depositions of various other TDI employees, the County also requested that it be provided with the following:

1. Documents showing determinations and reviews for the past 36 months by TDI's Material Review Board concerning components of TDI series R-4 engines (see Mathews deposition at Tr. 112).
2. Documents listing the safety-related components of the Shoreham diesel engines (see Wilson deposition at Tr. 50).
3. Documents showing the number of cylinder heads that have been in the field and then repaired by TDI either at the Stockton or Oakland facility over the past three years (id. at 34).
4. Documents from TDI's Purchasing Department relating to the three replacement crankshafts at Shoreham (id. at 24).
5. Documents establishing or setting forth the acceptance standard for magnetic particle testing of cylinder heads at TDI (see Dobrec deposition at Tr. 48-49).

Robert E. Smith, Esq.
David E. Ross, Esq.
June 4, 1984
Page 2

6. Documents that update Dobrec Exhibit No. 1, "4 Valve Steel Head-03-360-030-OF" (id. at Tr. 80).

7. Documents written by Professor Wallace to TDI containing comments or analyses of the TDI series R-48 diesel engines (id. at Tr. 105; Trussell deposition at Tr. 34).^{1/}

8. Documents showing the results of test bed tests performed by TDI on the replacement crankshafts, and documents showing the results of tests of the AE piston on the TDI R-5-V12 diesel engine (see Trussell deposition at Tr. 67-70, 122).

9. Documents showing calculations performed by Mr. Beshouri regarding the replacement crankshafts (see Beshouri deposition at Tr. 41).

10. Documents showing stress test calculations performed by TDI on AE pistons (see Yang deposition at Tr. 72).^{2/}

11. Calculations performed by TDI on R-4 cylinder heads manufactured by TDI (see Yang deposition at Tr. 81-83).

12. Documents showing calculations performed by TDI on side forces exerted by the piston on a liner in series R-4 engines, allegedly proving that such forces are so insignificant that testing is not required (see Lowrey deposition at Tr. 61).^{3/}

1/ LILCO and TDI previously provided the County with letters written by Professor Wallace to TDI dated 9/26/77, 4/15/83, 11/5/79, 5/19/82, 3/11/82, 9/12/83, and portions of letters dated 1/12/79, 3/14/79, 4/1/80, 7/15/80, 12/14/81, 10/20/82, and 1/17/83 (first 2 pages only). Please provide complete copies of those letters which were provided only in part, and copies of any other letters from Professor Wallace, in addition to those already provided to the County.

2/ The County already has been provided with one document by M. H. Lowrey, dated 1/21/82, entitled "R & RV Pistons Using 13 Washers Per Bolt - Ref. 2/18/81 Calcs."

3/ The County has already been provided with a four-page set of engine calculations by P. Leach of TDI, dated 1-28-81, entitled "Comparison of Restraining Force on Top Range of Cyl. Liner with Side Thrust Exerted by Piston."

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

Robert E. Smith, Esq.
David E. Ross, Esq.
June 4, 1984
Page 3

Please respond to these requests as soon as possible.

Very truly yours,



Douglas J. Scheidt

cc: Richard J. Goddard, Esq.
Odes L. Stroupe, Jr., Esq.
Darla B. Tarletz, Attorney

EXHIBIT E-1

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

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WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

June 7, 1984

Robert E. Smith, Esq.
David E. Ross, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, New York 10005

Gentlemen:

This letter will confirm my telephone conversation with David Ross this morning. As you know, pursuant to request number I.9(j) of Suffolk County's February 29 document discovery requests, the County requested the production of "[b]lueprints . . . and material and manufacturing specifications and tolerances . . ." of the camshaft for the TDI EDGs at Shoreham. The camshaft drawing provided to the County by TDI does not contain sufficient dimensional data. Please provide the dimensional or manufacturing drawing or blueprint drawing of the camshaft.

Pursuant to request number I.9(f), the County also requested the production of drawings of the cylinder block for the TDI EDGs at Shoreham. As you know, since TDI provided the County with the drawing of the R-4 cylinder block, Lilco has decided to replace the cylinder block of EDG 103 with a different design of cylinder block. Please provide the drawing(s) requested in request number I.9(f) for the new cylinder block.

The 12-inch crankshaft drawing received by the County is drawing number 03-310-05, Revision C. Technical data received by the County shows that the replacement crankshafts at Shoreham may have been manufactured to a different revision of that drawing. Please confirm to me the drawing number and revision to which the replacement crankshafts were manufactured and, if that drawing differs from the drawing received by the County, please provide a copy of that drawing as soon as possible.

Robert E. Smith, Esq.
June 7, 1984
Page Two

As we discussed today concerning the County's deposition of Harold V. Schilling, TDI will not oppose the subpoena ordering the deposition, and your firm will accept service of the subpoena for Mr. Schilling if and when you are retained. You mentioned, however, that the time period for the deposition that is indicated in the subpoena (i.e., June 6-12) is not good for you but that the week of June 18 is better. I believe that week may be satisfactory for the County and will get back to you to confirm a particular date. And, as you discussed with Alan Dynner, if Mr. Schilling insists on California as the location of the deposition, the County may also seek to complete the deposition of Mr. Trussell at that time. If Mr. Schilling will come to Washington for the deposition, the County will pay his transportation expenses and will consider not pursuing the Trussell deposition further.

Finally, I informed you that the County was attempting to arrange an inspection of the EDGs at Shoreham tomorrow or Saturday. I will contact you when I know when the inspection will take place.

Very truly yours,

Douglas J. Scheidt

cc: Darla B. Tarletz, Attorney
Odes L. Stroupe, Jr., Esq.
Richard J. Goddard, Esq.

EXHIBIT E-2

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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WRITERS DIRECT DIAL NUMBER

(202) 452-6774

July 2, 1984

Darla Tarletz, Attorney
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212


Re: EDG Discovery

Dear Darla:

By letter to me dated June 22, 1984, you provided Suffolk County with a copy of FaAA Procedure NDE-11.5. That document refers to the reference crack standard PAO-C-1. Please provide the County with a copy of this crack standard. In addition, provide a copy of NED-6.2 which is referred to in the February 17, 1984 memorandum from Donald O. Johnson to Mike Milligan and Bill Judge concerning his trip to Kodiak Electric Association (Document No. A12758 et seq.).

We also recently received from TDI a copy of the drawing of the new cylinder block on EDG 103, but have no information as to the weight of the new block. Please provide the County with details as to the weight of the new block.

Very truly yours,


Douglas J. Scheidt

DJS/ss

cc: Richard J. Goddard, Esq.
Odes L. Stroupe, Jr., Esq.
Robert E. Smith, Esq.

EXHIBIT E-3

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

July 17, 1984

Darla B. Tarletz, Attorney
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

(BY FEDERAL EXPRESS)

Dear Darla:

This will confirm portions of our telephone conversation today in which you informed me that no documents exist showing draft or final agreements between FaAA and the TDI Owners Group. You also stated that you could not provide me at this time with any information (other than that you had telephone calls outstanding to LILCO and TDI) concerning the County's request to view the photographs of the shotpeened crankshafts, or the County's requests for documents showing the weight of the cylinder blocks, the material properties of the cylinder blocks, FaAA's crack standard reference PAO-C-1 and FaAA's NDE procedure 6.2.

We also discussed the County's March 30 request number I for all references cited in the FaAA reports. Although the County does not agree with LILCO's position on this request, I am listing below some of the non-publicly available references that the County has not been able to obtain:

1. 5/84 cylinder head report - references 1-1, 1-5 and 1-9 (specifically listed in my June 12 letter to Odes Stroupe);
2. 6/84 cylinder block report -- references 3-1, 3-2 and 4-2;
3. 6/84 piston report on thermal distortion - reference 2-3;
4. 5/23/84 AF and AE piston report - references 3-1 and 6-14; and

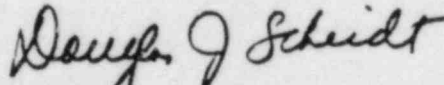
Darla B. Tarletz
July 17, 1984
Page Two

5. 4/19/84 crankshaft report - reference 3-4.

Please provide these references as soon as possible.

You informed me today that you will provide the County with EPRI Report NP-81-8-LD, which is reference 6-14 of the 5/23/84 piston report and which was requested by the County in its March 30 request number I.A.15. In addition, you informed me on July 12 that EPRI Report NP-1830-CCM ("BIGIF Fracture Mechanics Code") (March 30 discovery request number I.A.13) was available to the County for a fee of \$100 for the three manuals and either \$4,200 or \$5,000 for the listing of the computer program. You also stated that the three manuals listed in the March 30 request number I.B.10 were earlier versions of the manuals included in request number I.A.13. The County hereby agrees to pay the \$100 for the later version of the three manuals. Please promptly provide the County with copies of these manuals.

Very truly yours,


Douglas J. Scheidt

DJS/ss

cc: Richard J. Goddard, Esq.
David E. Ross, Esq.
E. Milton Farley, Esq.

EXHIBIT F-1

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station)

Unit 1))

Docket No. 50-322-OL-3

DEPOSITION OF WILLIAM J. MUSELER

Hauppauge, New York

Tuesday, May 22, 1984

AR

ALDERSON REPORTING

(202) 628-9300

1 other components where appropriate.

2 For example, cylinder heads, because
3 cylinder head studs certainly affect the placement of
4 the cylinder heads.

5 MR. STROUPE: Mr. Dynner, could you give
6 us some indication of how much longer you may be? I
7 think Mr. Museler has to be somewhere at a certain
8 time. If he's going to go much past 5, he has to make a
9 phone call at 5 o'clock.

10 MR. GODDARD: The staff has a few
11 questions also.

12 MR. DYNNER: I think that I have about
13 another hour. Maybe if you want to take a break now and
14 make your phone call, we can do it now.

15 THE WITNESS: Bruce, can I ask you?

16 MR. DYNNER: Let's break.

17 (Whereupon, from 4:59 p.m. to 5:05 p.m.,
18 a recess was taken.)

19 MR. DYNNER: Mr. Stroupe, before I
20 forget, I'd like to request that you produce the
21 documents concerning the material properties of the
22 three cylinder blocks on the Shoreham engines to which

1 Mr. Museler testified earlier.

2 Q Mr. Museler, why did you retire from your
3 position with the TDI Owners Group?

4 MR. STRCUPE: Objection to the use of the
5 word, "retire." There is no foundation. It's not in
6 evidence. It's an incorrect characterization of his
7 prior testimony.

8 You may answer the question if you'd like
9 to.

10 A I think I indicated that I was given a
11 new position within the lighting company, outside of the
12 nuclear area.

13 Q Are there other LILCO employees who also
14 left their positions with the TDI Owners Group program
15 at approximately the same time you did?

16 A Yes, one other gentleman.

17 Q Who was that?

18 A That was Mr. Millikin.

19 Q Mr. Millikin?

20 A That's correct.

21 Q Why did he leave the Owners Group program?

22 A Same reason, although he's still in the

EXHIBIT F-2

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

June 12, 1984

Odes L. Stroupe, Jr., Esq.
Hunton & Williams
BB&T Building
P.O. Box 109
Raleigh, North Carolina 27602

Re: EDG Discovery

Dear Odes:

At the May 24 Owners Group meeting, the participants discussed ABS certification of the replacement crankshaft at Shoreham. In response to a question by Mr. Laity, Mr. Seaman of LILCO stated that "LILCO did not submit anything yet [to classification societies concerning the replacement crankshaft] (Emphasis added)." See Tr. 117. Does LILCO intend to make, or has it since made, any such submission? If so, Suffolk County requests that it be provided with copies of all related correspondence and other documents concerning any meetings or discussions with the classification societies. See February 29 document discovery request number I.A.1.3.

In request number I of its March 30 discovery requests, the County requested LILCO to produce copies of the references cited in the FaAA reports concerning the components of the Shoreham EDGs. Although LILCO has produced some of the references cited in the FaAA reports on AF and AE piston skirts (2/27/84), connecting rod bearing shells (3/12/84), crankshafts (10/31/83), and rocker arm hold down capscrews (2/27/84), there are additional references cited in other FaAA reports, such as the reports on AF and AE piston skirts (5/84), push rods (4/84), turbochargers (5/84), connecting rods (4/84), cylinder heads (5/84), crankshafts (4/19/84), and engine base and bearing caps, copies of which have not been provided to the County, e.g., references 1-1, 1-5 and 1-9 of the FaAA report on cylinder heads. Please provide the County with these references as soon as possible, and the references in any other FaAA

Odes L. Stroupe, Jr., Esq.
June 12, 1984
Page Two

reports (e.g., FaAA report on cylinder blocks and liners) as soon as they are available.

In addition, the County has attempted, unsuccessfully, to obtain from EPRI copies of the EPRI reports listed as references in the various FaAA reports, including those sought by the County's March 30 discovery request nos. I.A.13 and 15 and I.B.10. Please provide these references to the County immediately as they are essential to the County's evaluation of the FaAA reports in which they are cited.

In item 10 of my June 4 letter to you concerning various document requests made during depositions at TDI, I incorrectly stated that the County requested "documents showing any final agreement between FaAA and TDI" That portion of item 10 should read as follows: "documents showing any final agreement between FaAA and the TDI Owners Group." Finally, in addition to the document requests noted in my June 4 letter to you, the County also requested the production of any minutes, memoranda, notes or other documents regarding the meeting attended by Dr. Chen concerning the engine blocks at Shoreham and documents showing calculations and comments made by Dr. Chen concerning the Shoreham EDGs and their components. (See Chen deposition at tr. 85-86, 147). And, during the deposition of Mr. Museler, the County requested copies of the table of loads and the graph referred to by Mr. Museler that illustrated the loading on the Shoreham EDGs during an accident scenario (see tr. 20-22), written comments by FEV concerning any Owners Group reports (see id. at 39-40), and documents concerning the material properties of the new cylinder block on EDG 103 (see id. at 76-77).

Please provide the County with copies of any documents in response to these requests as soon as possible.

Very truly yours,

Douglas J. Scheidt

Douglas J. Scheidt

DJS/ss

cc: Richard J. Goddard, Esq.
Robert E. Smith, Esq.
Darla B. Tarletz, Attorney

EXHIBIT F-3

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

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WRITER'S DIRECT DIAL NUMBER

9 July 1984

(202) 452-6774

Darla B. Tarletz, Attorney
Hunton & Williams
707 East Main Street
P. O. Box 1535
Richmond, Virginia 23212

Dear Darla:

Enclosed, as promised, are copies of the photographs taken by the County's representatives during their June 8th inspection of the EDGs.

A number of discovery matters remain open, most importantly the matters addressed in my letter to you dated July 2, and my letters to Odes Stroupe dated June 4 (items 4, 5, 7, 10 and 11) and June 12.

Your June 22 letter indicated that documents responsive to items 5, 10 and 11 would be produced during the week of June 25 but no such documents have been provided yet. The County also disagrees with your response to item 4. The report submitted to ABS for certification of the crankshaft contains TDI's calculations under the ABS rules. The County has reason to believe that FaAA's calculations, including those of Dr. Johnston, differ from TDI's. In addition, the County wishes to compare Dr. Johnston's hand calculations against the FaAA report. Please produce these calculations immediately.

Your response to item 5 (documents showing heat treatment processes for replacement crankshafts) is not satisfactory as Lilco is ultimately responsible for production of all documents in response to the County's requests. As the County has pointed out in the past, if a request is made directly to Lilco, Lilco should produce any documents in its possession and ensure the production of documents in TDI's possession without the necessity of the County requesting the information directly from TDI. In fact, counsel for TDI received a copy of my June 4 letter and is aware of the request. Please ensure that TDI responds to this request as soon as possible.

Lilco also has not responded to most of the items listed in my June 12 letter, particularly the EPRI reports and documents concerning the material properties of the cylinder blocks. As the County already has informed you, this information is essential to the County's evaluation of the FaAA reports, and Lilco has provided no explanation as to why these reports could not have been produced immediately.

Although Lilco is required to specify the documents it is not producing under a claim of privilege (see February 29 request at page 2 and March 30 request at page 1) Lilco has not done so, despite a number of reminders by the County, even though Lilco has indicated that it is withholding some allegedly privileged documents (see, e.g., Lilco's March 21 response at page 3). Please provide the County with the required details as to any withheld documents as soon as possible.

The following matters relate to the County's February 29 requests:

Reugest I.5 seeks "documents showing the results of failure analyses with respect to the components of the TDI EDGs at Shoreham." Lilco's March 21 response indicated that it would produce "all final TDI failure analyses in its possession." Please produce any non-TDI failure analyses of components of the Shoreham EDGs in Lilco's possession that have not been produced to the County.

The County never has received a satisfactory response to Request No. I.6 for documents provided by TDI to the TDI Owners' Group.

Request No. I.15 requested the production of deficiency or non-conformance reports, and dispositions thereof, concerning the EDGs and their components. In its March 21 response, Lilco stated that it had produced a number of responsive documents, including all completed LDRs. Since that time, however, the County has received very few documents, particularly LDRs, responsive to this request. Most significant are deficiency reports concerning the replacement crankshafts, AE pistons, cylinder heads and cylinder blocks. Please produce documents responsive to this request.

Request No. I.19 requested the production of management reports setting forth the status and adequacy of the design and manufacture of the Shoreham EDGs. This request would include summary reports to management (such as to the companies' presidents, board of directors or QA managers) concerning the adequacy of the design and manufacturing of the Shoreham EDGs and their components. Such reports might address general patterns, if any, discovered

through testing and operation. The DRQR reports do not provide the County with the type of information sought by this request. Please respond.

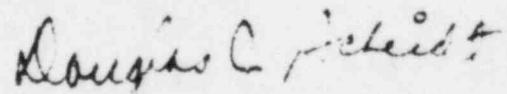
Request No. 20 requested Lilco to produce design verifications, etc., relied upon to verify the adequacy of the design and design changes of the Shoreham EDGs. Lilco's response to this request was to produce completed DRQR reports. Is Lilco relying on other design verifications? If so, please produce any such documents.

Request I.21(a) sought the production of documents regarding the DRQR review of EDG components conducted to determine their function and potential contribution to engine reliability. In light of Lilco's March 21 objections, please provide documents regarding the review of the replacement crankshafts, AE pistons, cylinder heads and blocks that show internal disagreements (among Lilco, S&W or Lilco's other subcontractors) concerning the function and potential contribution of these components to engine reliability.

With respect to Requests No. I.A.3.4 and 8 in particular, please confirm as soon as possible that all documents showing testing results and the operating experience of the AE piston have been produced to the County, as well as documents showing the changes made to the corebox in which the mold for the piston skirt interior is formed, and procedures, hold points and specifications for AE piston tinning (plating).

As always, provide responsive documents to the County immediately as they become available. As the County's deadline for preparing testimony fast approaches, we expect that Lilco will comply with its discover obligations promptly.

Very truly yours,



Douglas J. Scheidt

DJS/ecf

Enclosures

cc: Robert E. Smith, Esq.
Richard J. Goddard, Esq.
Odes L. Stroupe, Jr., Esq.

EXHIBIT F-4

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.
WASHINGTON, D. C. 20036

1426 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-5112

TELEPHONE: (202) 452-7000
TELEX: 440209 HIGH UI

1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 355-6500

July 9, 1984

WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

Darla B. Tarletz, Attorney
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia


David E. Ross, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, New York 10005

Dear David and Darla:

The enclosed memorandum describes a meeting among Lilco, TDI and Stone & Webster representatives on March 31, 1983 concerning whether casting problems exist with respect to the cylinder blocks on the Shoreham EDGs. Although the memorandum refers to "foundary [sic] inspection reports and reports on chemical and physical properties", copies of which apparently were attached to the memo at one time, none of these reports have been obtained by the County through discovery either at TDI or through Lilco. Please provide the County with copies of these reports.

In addition, the County recently was informed by the NRC staff that Lilco is in possession of the photographs of the shotpeening of the replacement crankshafts referred to in the Franklin report. The County wishes to inspect these photographs, as well as any other photographs of the shotpeening. If duplicate copies of these photographs are available, please provide them to the County. If no duplicates are available, please have copies made for the County in order to avoid the unnecessary expenses that would be incurred in travelling to New York to inspect the photographs.

Very truly yours,


Douglas J. Scheidt

Enclosure

cc: Richard J. Goddard, Esq.

74010/12

NO. 25 OF CONFERENCE
EVALUATION OF DIESEL ENGINE BLOCK AND
OPEN DIESEL GENERATOR ENGINEERING ITEMS
SHOREHAM NUCLEAR POWER STATION
LONG ISLAND LIGHTING COMPANY

11600.02

Held in the Security Building Conference Room
Shoreham Nuclear Power Station
March 31, 1963

Present for:

Long Island Lighting Company (LILCO)

R. D. Jacobs (Consultant)
W. Judge
W. J. Musale
H. Schuster
C. K. Seaman
D. D. Terry
E. J. Youngblut
A. Zenthor

Transamerica Ins. Co. Incorp. (TAMCO)

R. Boyer
L. McHugh
R. Pratt

Stone & Webster Eng. Corp. (SWEC)

W. Baranowski
E. J. Brannan
W. Cook
J. C. Kammerer
T. Paulantonio
A. P. Stakuti

PURPOSE

The purpose of the conference was to determine if a problem exists with the castings for the emergency diesel generator blocks, and plan a course of action based on this determination. Secondary function was to status the remaining diesel generator open engineering items.

DISCUSSION

Mr. R. Boyer (QC Manager) and Mr. R. Pratt (Customer Service Manager) opened the discussion with a presentation on the ASTM A-48, Class 35 cast iron block, detailed drawings were reviewed along with foundry inspection reports and reports on chemical and physical properties.

SC-2389

Mr. Schuster discussed the field inspections performed prior to the meeting and the results of the non-destructive testing performed to aid in TDI's evaluation of the castings.

Mr. Pratt disclosed that prior to leaving the TDI plant, inspections of block castings in house were conducted and similar surface indications as those evident on Shoreham's diesels were found. The surface indications were described by Mr. Boyer as "non-metallic inclusions as a result of the manufacturing process," and he explained that they resulted from uneven cooling of the casting due to transitions in wall thickness. In no regard did TDI consider these indications as "defects" that required corrective action. In addition, Mr. Pratt explained that due to the engine design, the casting remains in compressive loading, and therefore even subsurface linear imperfections could not be injurious to diesel operation. To support TDI's design calculations, TDI will instrument an engine in the factory and perform strain gauge testing to support their calculations.

A discussion ensued on the need for future inspections of the casting. Mr. Boyer reiterated that these surface "imperfections" are not a reason for concern; however, to assure themselves, LILCO should selectively map out these areas as to number, location, and length of indications for reinspection at the first refueling outage.

The rocker arm shaft bolt failure was discussed. Mr. Pratt stated that TDI has incorrectly identified the failed bolt on a previous site visit. The bolts supplied with the engine are a commercial grade 3A, 120,000 lb. yield strength bolt and the failure is attributed to an initial material defect that propagated due to fatigue loading. Mr. Zentner expressed his concern over this misinformation, and subsequent conversation resulted that TDI will supply a complete set of rocker arm bolts, designed for long fatigue life in a higher capacity engine. The new design bolts are machined from ASTM A-193, B7 stock, by TDI.

Cylinder head replacement was discussed and TDI resolved to supply a recommendation and schedule for head replacement, or refurbishing as options, to Mr. Youngling.

ACTION REQUIRED

- | | |
|-----------|--|
| TDI | (1) Provide trip report with reference to calculated block design loads, and results of inspections of Shoreham's diesel blocks. To be submitted by April 8, 1983. |
| TDI/LILCO | (2) Determine the necessary scope and perform selective mapping of each diesel block, for use in future inspections. |
| TDI | (3) Perform factory strain gauge testing, report to follow. (Subsequent to meeting, it was decided that LILCO and SWEC will inspect a diesel in the TDI shop and witness the testing). Forecast complete by April 8, 1983. |

- TDI (4) Provide new shaft bolts; in addition, Mr. McHugh
to provide a letter detailing the design and qualifications
of the new shaft bolts by April 7, 1963.
- TDI (5) Cylinder head replacement and refurbishing schedule
submitted to LILCO by April 1, 1963.

End Notes of Conference

cc: Attendees
M. H. Milligan
P. J. Holden
S. W. Wakefield
R. Andersen
E. Rajuch (enclosure)
L. Fosegni
C. Buckley
A. Muller
R. J. Jacuinto
N. M. Rudikoff
SR2 (enclosure)

JCH/ard

EXHIBIT G

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL
)
(Shoreham Nuclear Power Station)
)
Unit 1))

DEPOSITION OF CLIFFORD H. WELLS

Washington, D. C.

Monday, May 14, 1984

AR
ALDERSON REPORTING

(202) 628-9300
440 FIRST STREET, N.W.

1 MR. DYNNER: Mr. Stroupe, we will request
2 production of any and all documents received by FAA or
3 LILCO in connection with the Glen Allen engines and
4 their problems, assuming that such documents have not
5 already been supplied to the County.

6 MR. STROUPE: I will certainly take that under
7 advisement, Mr. Dynner. I quite frankly do not know
8 whether any such documents exist or whether the list
9 that Dr. Wells spoke of was committed to writing or
10 not.

11 But I will certainly check into that and let
12 you know about, A, whether it exists, and B, whether we
13 will turn it over to the County.

14 MR. DYNNER: Thank you.

15 BY MR. DYNNER: (Resuming)

16 Q Now, Dr. Wells, in connection with the
17 information concerning the operating or service history
18 of Delaval engines which you testified that you received
19 from Delaval, was that information supplied to you in
20 writing?

21 A Some of the information has been provided in
22 the form of failure analysis reports. None of it has

EXHIBIT H

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.

WASHINGTON, D. C. 20036

1428 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-8112

TELEPHONE: (202) 452-7000

TELEX: 410209 HPH UI

1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 353-6500

May 29, 1984

WRITER'S DIRECT DIAL NUMBER

202/452-6774

David Ross, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, New York 10005

Re: EDG Discovery

Dear David:

On April 28, I informed you that the following documents had been identified and requested by the County during its inspection of TDI files in Oakland:

1. TDI service department correspondence files for November 1983-January 1984, and July-August 1983;
2. TDI failure analyses Nos. 100, 118, 127, 142, 148, 150, 151, and 159;
3. TDI interoffice correspondence files (by subject matter) Nos. 330 (Fly Wheel), 331 (Guard), 445, 450 (Fuel Boost, Pump Headers), 620 (Fuel Day Tank), 621 (Fuel), and 700 (Stand Pipe);
4. DE file 8T; and
5. DE Calculations 5-2 and 3-2.

Although you notified me shortly thereafter that you had made copies of these documents and would send them to me promptly (see my letter to you dated May 2), the County has not yet received copies of these documents despite my reminder to you during the week of May 7 in Oakland. Please provide the County with these documents without further delay.

During the week of May 7, I believe that you also stated that TDI does not have in its possession or control any (i) pressure vs. crank angle diagrams (at 75%, 100% and 110% loads) for the TDI R-48 diesel engines, or (ii) documents showing temperature distribution through cylinder heads, piston crown and

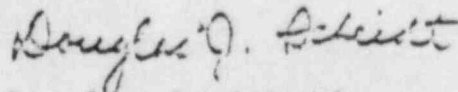
David Ross, Esq.
May 29, 1984
Page 2

upper part of the cylinder liner. Please notify me immediately in writing if my understanding is not correct.

In addition, you have not responded to other matters raised in my April 9 letter to you and Mr. Smith. In that letter, the County requested that you confirm in writing (i) whether TDI has in fact disposed of design drawings of previous designs of EDG components, as you had indicated orally, and (ii) that TDI does not have copies of such previous designs. The County also requested that you identify any documents withheld under a claim of privilege. Please respond to those matters as soon as possible.

Finally, the County obtained through discovery copies of two letters, dated October 28 and November 30, 1983 (copies of which are attached), from M. H. Lowery of TDI to the American Bureau of Shipping ("ABS") concerning block top fractures on the M/V Edwin H. Gott. In those letters, TDI specifically requested that ABS concur in TDI's opinion that the M/V Gott will be suitable for continued service after TDI instituted various measures to prevent existing fractures from propagating and new fractures from forming. The TDI files reviewed by the County did not contain any response(s) by ABS to these letters. Please confirm whether such responses exist and, if so, provide the County with copies of all correspondence between ABS and TDI concerning the block top fractures on the M/V Gott.

Very truly yours,



Douglas J. Scheidt

Enclosures

cc: Odes L. Stroupe, Jr., Esq.
Richard J. Goddard, Esq.
Fabian G. Palomino, Esq.
Darla B. Tarletz, Esq.

EXHIBIT I-1

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

---oOo---

In the matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

DOCKET NO. 50-322-OL

DEPOSITION OF EDWARD S. DOBREC

May 9, 1984

VOLUME II - Afternoon Session

REPORTED BY:

MARION G. KOLB, CSR NO. 4381

TOOKER & ANTZ

CERTIFIED SHORTHAND REPORTERS
681 MARKET STREET, SUITE 925
SAN FRANCISCO, CALIFORNIA 94105
415/392-0650



1 example, by a report?

2 A. He writes reports on what he has found, what I
3 can do, equipment that can be purchased.

4 Q. Mr. Dobrec, when you request Professor Wallace
5 to perform a task in the foundry, do you provide him with
6 a purchase order describing that task?

7 A. No.

8 Q. What is the process; do you pick up the
9 telephone and call him?

10 A. I pick up the telephone call Jack and I say,
11 gee, Jack, we have had an armor heat and we are having
12 trouble with sharpies, and what do you think is wrong?

13 From that point Jack will start looking at the
14 chemicals, what we have done in heat treat, what we have
15 done in melting. That's the type of help that we are
16 looking for when we bring Jack out here.

17 MR. MILLER: Mr. Smith, we would request any
18 written documentation -- for example, reports that have
19 been produced by Professor Wallace -- that relate to or
20 concern the R-48 T.D.I. diesel engine.

21 MR. SMITH: I will take your request under
22 advisement and I would not be surprised if you have
23 already been furnished with any such reports.

24 MR. MILLER: Q. Mr. Dobrec, has T.D.I.
25 experienced problems with exhaust poured bridges cracking
26 in cylinder heads in the past?

27 A. I am familiar with that, yes.

28 Q. Can you generally tell me whether in your

EXHIBIT I-2

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

---o0o---

In the matter of)
LONG ISLAND LIGHTING COMPANY)
(Shoreham Nuclear Power Station,) DOCKET NO. 50-322-OL
Unit 1))
-----)

DEPOSITION OF GERALD EDGAR TRUSSELL

May 7, 1984

VOLUME I - Morning Session

REPORTED BY:
MARION G. KOLB, CSR NO. 4381

TOOKER & ANTZ
CERTIFIED SHORTHAND REPORTERS
681 MARKET STREET, SUITE 925
SAN FRANCISCO, CALIFORNIA 94105
415/392-0650

1 Q. What was noted at Shoreham that you are
2 referring to?

3 A. That there were indications in bushings that
4 had run for some period of time in an engine or engines
5 and that they explained that the indications reported to
6 be found in new bushings that had not been installed in
7 connecting rods.

8 MR. DYNNER: Counsel, if Professor Wallace's
9 report is in writing, we request that we have a copy of
10 that produced.

11 MR. SMITH: I will take your request under
12 advisement, and I also want to note that it's entirely
13 possible that it has already been produced to you.

14 MR. DYNNER: All right.

15 Q. Now, Mr. Trussell, is that particular
16 consultation the only one that you can recall that took
17 place with Professor Wallace during 1984?

18 A. Yes.

19 Q. What consultations took place with Professor
20 Wallace during 1983?

21 A. I really don't recall.

22 Q. Are there any consultations currently ongoing
23 with Professor Wallace?

24 A. Not to the best of my knowledge.

25 Q. Are there any failure analyses currently being
26 performed or in process by or on behalf of Delaval in
27 connection with any Delaval diesel engines or components
28 therefrom?

EXHIBIT I-3

GUGGENHEIMER & UNTERMYER

80 PINE STREET, NEW YORK N Y 10005

TELEPHONE (212) 344-2040

CABLE ADDRESS MELFOMENE NEW YORK

TELEX-126276

TWX-710-581-2716

DEX-4200 TELECOPY (212) 943-3453

July 3, 1984

FEDERAL EXPRESS

Douglas J. Scheidt, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
Washington, D.C. 20036

Dear Doug:

With respect to Suffolk County's ("SC's") outstanding document requests to Transamerica Delaval Inc. ("TDI") as detailed below, TDI responds as follows:

1. Attachment A to March 30, 1984 Request

Item IX. Enclosed is a sales brochure entitled, "The Modern Technology of Diesel Engines."

Item X. Enclosed are copies of TDI correspondence with the American Bureau of Shipping. These documents are also responsive to SC's request of May 31, 1984.

Item XI. Enclosed are organizational charts for TDI's Engine and Compressor Division.

Item XV. Such documents were produced to SC on March 22 and March 23, 1984.

Item XVIII C. TDI has no such documents in its possession.

Item XVIII E. Enclosed is test bed data for Engine No. 74011.

Item XVIII F. TDI has no such documents in its possession.

2. Request of June 4, 1984

Documents responsive to the first paragraph of that letter were produced to SC on March 22 and March 23, 1984.

Point 2. TDI has no documents listing the safety-related components of the engines at Shoreham.

Douglas J. Scheidt, Esq.

-2-

July 3, 1984

Point 3. TDI has no documents which cumulate the number of cylinder heads repaired by TDI after operation in the field.

Point 4. Enclosed are documents from TDI's Purchasing Department concerning the replacement crankshafts at Shoreham.

Point 5. Enclosed is a copy of TDI's "Magnetic Particle (MT) Procedures And Standards For Nuclear Plant Standby Diesel Engine R-Series Cast Steel Cylinder Heads".

Point 6. Enclosed is the update to "4 Valve Steel Head - 03-360-03-0F".

Point 8. TDI has no documents showing the results of any test bed tests of the replacement crankshafts at Shoreham.

Point 9. In addition to documents produced to SC on March 22 and March 23, 1984, enclosed are calculations performed by Mr. Beshouri regarding the replacement crankshafts.

Point 10. Enclosed are "F.S. Calculations".

Point 11. TDI has no such documents in its possession.

Point 12. TDI has previously produced all such documents to SC.

TDI is continuing to search for documents responsive to Points 1 and 7 of your letter of June 4.

Sincerely,



David E. Ross

DER:egc
Encls.

EXHIBIT J-1

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

--o'o--

In the matter of)
LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power)
Station, Unit 1))

Docket No. 50-332-01

DEPOSITION OF CLINTON S. MATHEWS

MAY 8, 1964

VOLUME I - Afternoon Session

Reported by:

KEMBLE ANTZ, CSR 669

1 Q Has the Material Review Board ever reviewed the issue
2 of indications or cracks in cylinder blocks of Delaval
3 engines?

4 A I don't know.

5 Q Has the Material Review Board ever reviewed or made
6 determinations concerning indications or cracks in cylinder
7 heads produced by Delaval?

8 A I don't know.

9 MR. DYNNER: Counsel, we are requesting production of
10 the documentation of determination and reviews by the Material
11 Review Board concerning components of the R-4 series Delaval
12 engines for the past 36 months.

13 MR. SMITH: I take your request under advisement.

14 MR. DYNNER: Thank you.

15 MR. RANGE: Would you read back the request so I
16 get it.

17 (Record read.)

18 MR. DYNNER: Mr. Mathews, I have only a few more
19 questions and then I will be finished.

20 MR. SMITH: That is what you said the last time.

21 MR. DYNNER: Yes. We had some rather long and inter-
22 esting answers, didn't we, Mr. Smith.

23 MR. SMITH: I won't characterize the answers. Why
24 don't we take a break.

25 (Recess from 5:06 p.m. to 5:18 p.m.)

26 MR. DYNNER: Q All right, Mr. Matthews, are you
27 familiar with the FAA report concerning the pistons in the
28 Shoreham engines?

EXHIBIT K

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.

WASHINGTON, D. C. 20036

1428 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-8012

TELEPHONE: (202) 452-7000
TELEX: 440209 HPHH U

1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 355-6500

WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

July 2, 1984

David E. Ross, Esq.
Guggenheimer & Untermeyer
80 Pine Street
New York, New York 10005

Re: EDG Discovery

Dear David:

During discovery, Suffolk County obtained from TDI a document entitled "Transamerica Delaval-Nuclear Plant Emergency Standby Diesel Generator Users' Group Meeting of November 30, 1983." This document also was attached to a December 15, 1983 letter from Mr. C. S. Mathews of TDI to Mr. C. W. Angle of Mississippi Power and Light Company. On page 34 of that document (a copy of which is enclosed) is a drawing (figure 5) of what purports to be an AE piston skirt, but the drawing shows only five spaces for piston rings instead of the six spaces shown in the drawing of the AE piston skirt that TDI provided to the County, piston assembly drawing number 03-341-7319. Is figure 5 incorrect, or does the AE piston skirt only have five spaces for piston rings instead of the six shown on drawing number 03-341-7319?

By letter to me dated June 28, 1984, you provided the County with the drawing entitled "Camshaft, 8 Cylinder Right Hand, 03-350-06 AA." The County's consultants recently reviewed this drawing and, based upon this review, the County requests that you provide it with similar camshaft drawings for the R3, 375 RPM, 165 BMEP engine, the R4, 400 RPM, 185 BMEP engines (circa 1966-67), the R4, 450 RPM engine (circa 1970-71) and the R4 450 RPM, 240 BMEP engine.

In addition, the County requests that you confirm that the cylinder head drawing previously provided to the County by

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

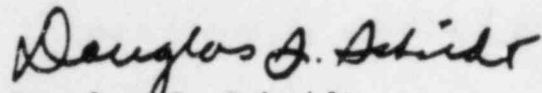
David E. Ross, Esq.

July 2, 1984

Page Two

TDI is the drawing to which the cylinder heads currently on the Shoreham engines were manufactured. If not, please provide the appropriate drawing.

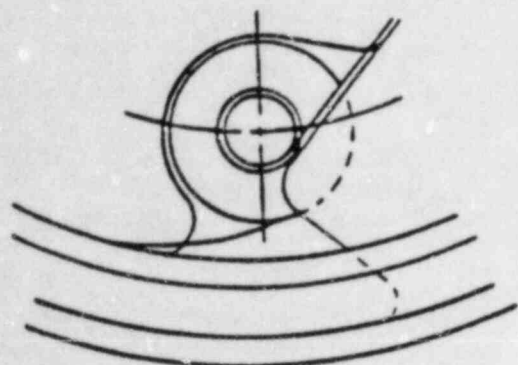
Very truly yours,


Douglas J. Scheidt

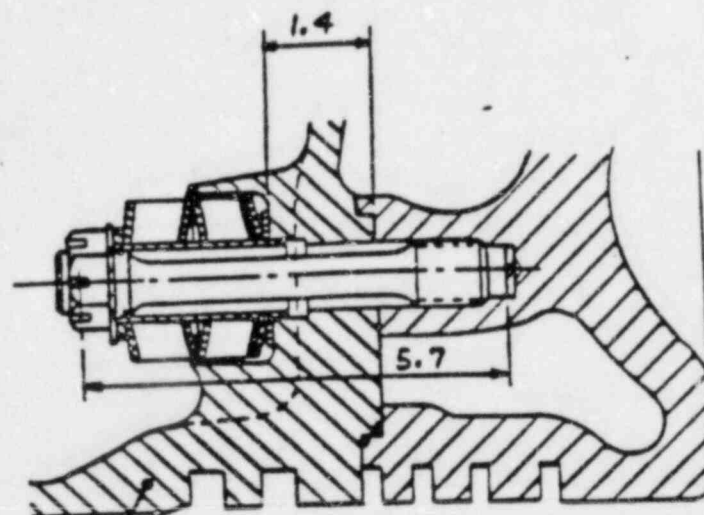
DJS/ss

Enclosure

cc: Odes L. Stroupe, Jr., Esq.
Darla B. Tarletz, Attorney
Richard J. Goddard, Esq.

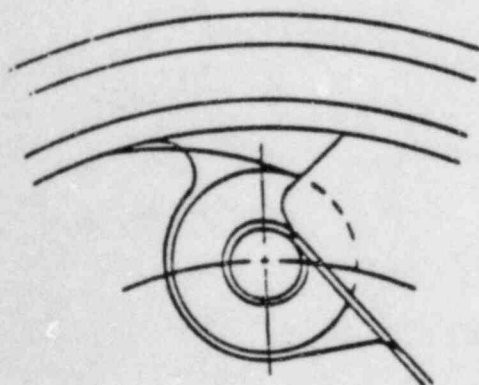


FULL STACK
BELLVILLE STYLE

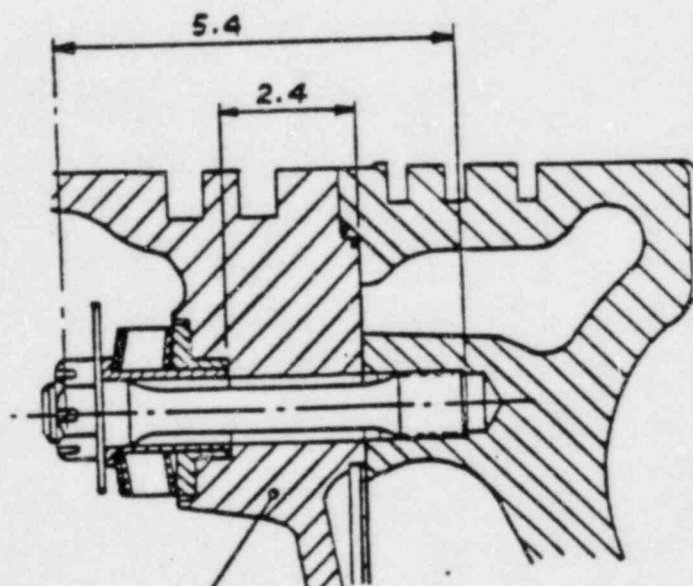


SKIRT
03-341-02-AN (NEW STYLE - MADE FROM
03-341-04-AE CASTING)

FIGURE 4



1/2 STACK
BELLVILLE STYLE



SKIRT
03-341-04-AE

FIGURE 5 PAGE 34

EXHIBIT L

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

1900 M STREET, N. W.

WASHINGTON, D. C. 20036

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1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 333-6500

WRITER'S DIRECT DIAL NUMBER

(202) 452-6774

July 17, 1984

Darla B. Tarletz, Attorney
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

(BY FEDERAL EXPRESS)

Re: EDG Discovery

Dear Darla:

This will confirm portions of our telephone conversation on July 12 in which, pursuant to Discovery Request I.22, I requested LILCO to produce the LDRs and E&DCR cited in the DRQR Phase II report on the cylinder block, specifically LDRs 1224, 2262, 2289, 2083, 2322, 2321, 2197, 2207, 2212, 2218, 2385, and 2384, and E&DCR F-46505, and the results of the material test of EDG 103, cited on page 3 of 3 of the Phase II report, which was scheduled to be completed by June 29. The County also requests the Support Packages referred to in the report, SP-84-5-4 and SP-84-6-68. In addition, I reiterated a long-standing request for LILCO to produce, at the very least, the non-publicly available references cited in the FaAA reports, and I specifically mentioned References 3-1, 3-2 and 4-2 of the cylinder block report by FaAA.

We also discussed the nature of the TERs that are listed in the Phase II report on cylinder blocks. Since that time I have reviewed TERs concerning connecting rod wrist pin bushings that already were provided to the County by letter dated May 25, 1984, and have determined that TERs in general appear to contain information that is of significant importance to the County's review of the DRQR and the diesel engine design contentions. The County hereby requests the production of the TERs cited in the Phase II report on cylinder blocks.

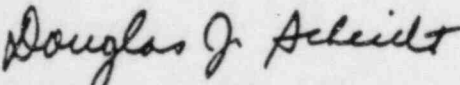
In order to adequately analyze the other Phase II reports, the County also requests the production of the Support Packages

Darla B. Tarletz
July 17, 1984
Page Two

referred to on page 4 of 4 of the Phase II report on pistons, SP-84-2-14 and SP-84-5-18, and the TERS and LDRs cited on pages B4 of 6 and B5 of 6, specifically LDRs 2266, 2275, 1818, 1838, 1839, 2147, 2081, 2332, 1822, 2198, and 2407, and TERS Q-326, Q-335, Q-338, Q-310, Q-41, Q-82, Q-83, Q-109, Q-38, DR-182, Q-393, Q-412, Q-413, Q-419, Q-422, Q-159, Q-194, Q-203, and Q-500. Similarly the County requests the production of the following documents referred to in the Phase II reports on cylinder heads: TERS Q-315, Q-399, Q-401, Q-240, Q-180, Q-244, Q-155, Q-142, and Q-164, and LDRs 2315, 2193, 2209, 2226, and 2189; crankshafts: LDRs 2203 and 2199, TERS Q-173, Q-215, Q-160, DR-178, and Repair/Rework Requests 1098, 1290, 1316, and 804; piston rings: LDR 2277, TERS Q-330, Q-331, Q-426, Q-427, Q-193, Q-185, and Repair/Rework Request 1662 Supplement 1; cylinder head intake and exhaust valves: LDRs 2273, 2274, 2285, 2287, 2102, 2162, 2201, 2394, and 2214, TERS Q-324, Q-350, Q-325, Q-362, Q-358, Q-86, Q-196, Q-161, Q-487, Q-190, Q-166, and Q-229.

As these documents are needed by the County to prepare its testimony, please provide them as soon as possible. If the County does not receive the documents shortly, we will ask the Board for permission to file supplemental testimony.

Very truly yours,


Douglas J. Scheidt

DJS/ss

cc: Richard J. Goddard, Esq.
David E. Ross, Esq.
E. Milton Farley, Esq.

EXHIBIT M-1

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

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May 2, 1984

Anthony F. Earley, Jr., Esq.
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

Re: EDG Discovery Request

Dear Tony:

Suffolk County recently has learned of the existence of two relevant documents not produced by LILCO pursuant to the County's EDG discovery requests. The County requests that LILCO produce copies of these documents immediately.

The two documents consist of handwritten notes and a report, both written by William J. Museler of LILCO, concerning a meeting held on October 17, 1983, to discuss problems that had arisen with the Shoreham EDGs. The meeting was attended by representatives of TDI, LILCO, Stone & Webster and FAA. The County learned of the existence of these documents upon receipt of copies of (i) the April 27, 1984 motion for a protective order filed by LILCO concerning these documents in the PSC hearings and (ii) the March 23, 1984 order denying LILCO's interlocutory appeal to the PSC from the ruling of the administrative law judge denying LILCO's assertion of privilege with respect to these documents. The documents have been referred to in the PSC hearings as LILCO Document Nos. 2510A and 2510B.

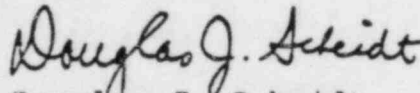
As you know, the County's discovery requests specifically call for LILCO to identify all documents being withheld under a claim of privilege and, for each document, the "date, author, addressee or recipient, . . . persons to whom copies were furnished, subject matter, [and] the privilege which is claimed" LILCO has provided the County with no such information concerning these Museler documents, nor has it previously notified the County of the existence of these and

Anthony F. Earley, Jr., Esq.
May 2, 1984
Page Two

other relevant documents withheld by LILCO. In addition, any claim of privilege by LILCO appears to have been waived by LILCO's disclosure of these Museler documents to the PSC.

These documents clearly are relevant to the diesel litigation and the County requests that LILCO produce them immediately, whether pursuant to the County's previous discovery requests or in response to this request as specifically permitted by the Board's April 20 order (see order at p. 4).

Very truly yours,


Douglas J. Scheidt

DJS/ss

cc: Odes L. Stroupe, Jr., Esq.
Richard J. Goddard, Esq.
Fabian G. Palomino, Esq.
Robert E. Smith, Esq.

EXHIBIT M-2

HUNTON & WILLIAMS

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TELEPHONE 615-637-4311

FILE NO. 24566.3
DIRECT DIAL NO. 804-788-8361

May 11, 1984

Douglas J. Scheidt, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
8th Floor
Washington, D.C. 20036

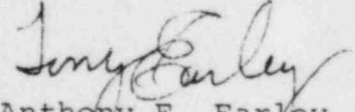
Diesel Discovery

Dear Doug:

In response to your May 2 letter, we are willing to provide you with a copy of Bill Museler's handwritten notes from the October 17, 1983, meeting with TDI under a confidentiality agreement. As you know, the notes were disclosed to the PSC Staff under such an agreement, and LILCO is seeking a protective order in that case to maintain the confidential nature of the document. Thus, we ask for similar procedures in this case.

We object to the production of the second document you requested. It is a memorandum from Mr. Museler to Tim Ellis and me concerning the October 17 meeting and others matters relating to the TDI diesels. That memorandum was prepared by Mr. Museler for us at our express request. It contains Mr. Museler's impressions and opinions which we requested to assist us in preparing for ASLB licensing hearings, New York State Public Service Commission hearings and other potential litigation concerning the TDI diesels. The document is both an attorney-client communication and a trial preparation document.

Sincerely,


Anthony F. Earley, Jr.

221/765

EXHIBIT M-3

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June 12, 1984

Anthony F. Earley, Jr., Esq.
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, Virginia 23212

Re: EDG Discovery

Dear Tony:

Pursuant to your May 11 letter, please provide the County with a copy of Mr. Museler's handwritten notes from the October 17 meeting with TDI. (LILCO Document No. 2510A in the PSC case). The County will agree to be governed by confidentiality procedures similar to those stated in the April 4, 1984 letter from William Dean Johnson of Hunton & Williams to James Brew of the Department of Public Service, a copy of which is attached. The County also requests that you reconsider your refusal to produce the memorandum written by Mr. Museler concerning the October 17 meeting (LILCO Document No. 2510B). As you know, the Public Service has denied LILCO's appeal from the administrative law judge's rejection of LILCO's claim of privilege as to this document and, in any event, LILCO's production of this document to the PSC constitutes a waiver of any claim of privilege LILCO may have had. The County will agree to accept this document under a confidentiality agreement as above. Should you persist in your refusal, the County intends to move to compel the production of the document.

I await your response.

Very truly yours,

Douglas J. Scheidt
Douglas J. Scheidt

DJS/ss

cc: Richard J. Goddard, Esq.
Robert E. Smith, Esq.
Darla B. Talretz, Attorney

HUNTON & WILLIAMS

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1919 PENNSYLVANIA AVENUE, N. W.
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WASHINGTON, D. C. 20036
202-223-8650

FILE NO.

April 4, 1984

Mr. James Brew, Esquire
Department of Public Service
3 Empire State Plaza
Albany, New York 12223

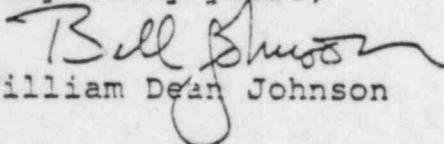
Dear Mr. Brew:

Please find enclosed a copy of Documents Nos. 2510 A and 2510 B. These documents are being produced in accordance with the Public Service Commission's March 23, 1984 Order Denying Interlocutory Appeal and in accordance with the confidentiality agreement you and I have achieved. As we agreed today, I am providing the documents on the condition that you will keep the documents strictly confidential; you will reveal the documents solely to those people employed by the Public Service Commission who have need to see the documents in connection with Case 27563. If you determine that you need to make disclosure to other persons, or that you need to make the documents public or a part of the record in Case 27563, you will first notify me and give me adequate time before disclosure to seek a protective order.

I appreciate your willingness to resolve this issue voluntarily, at least at this stage. Please sign a copy of this letter and return it to me for record keeping purposes.

With best regards, I am

Very truly yours,


William Dean Johnson

Seen and agreed to:

James Brew, Esq.

355/777

Enclosures

cc: Hon. William Levy
John E. Reilly, Esq.

EXHIBIT M-4

HUNTON & WILLIAMS

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TELEPHONE 615-637-4311

FILE NO. 24566.3

DIRECT DIAL NO. 804 788-8361

June 27, 1984

Douglas J. Scheidt, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W.
8th Floor
Washington, D.C. 20036

Emergency Diesel Generator Discovery

Dear Doug:

Please find enclosed a copy of William J. Museler's handwritten notes from the October 17 meeting with TDI (LILCO Document No. 2510A in the PSC case). As you agreed in your letter of June 12, 1984, I am providing the document on the condition that you will keep the document strictly confidential; you will reveal the document solely to those people employed by Kirkpatrick, Lockhart, Hill, Christopher & Phillips or consultants to Kirkpatrick, Lockhart, Hill, Christopher & Phillips who have need to see the document in connection with the emergency diesel generator proceedings before the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission. If you determine that you need to make disclosure to other persons, or that you need to make the document public or a part of the record in ASLB Docket No. 50-322-OL, you will first notify me and give me adequate time before disclosure to seek a protective order.

With respect to the memorandum written by William J. Museler concerning the October 17 meeting (LILCO Document No. 2510B), LILCO maintains that the memorandum is privileged under both the work product and attorney-client privileges. On both of those bases, we are withholding LILCO Document No. 2510B.

HUNTON & WILLIAMS

Douglas J. Scheidt, Esq.
June 27, 1984
Page 2

Please sign a copy of this letter as your formal consent to the confidentiality agreement covering LILCO Document No. 2510A. Please return a signed copy of the letter to me for record keeping purposes.

Sincerely,

Jessie A. McLaughlin
for
Anthony F. Earley, Jr.

Seen and Agreed to: Douglas J. Scheidt

221/765
Enclosure

cc: Robert E. Smith, Esq. (w/o enc.)
Fabian G. Palomino, Esq. (w/o enc.)
Bruce Germano (w/o enc.)

EXHIBIT M-5

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on March 14, 1984

COMMISSIONERS PRESENT:

Paul L. Gioia, Chairman
Edward P. Larkin
Carmel Carrington Marr
Harold A. Jerry, Jr.
Anne F. Mead

CASE 27563 - LONG ISLAND LIGHTING COMPANY - Shoreham Costs

ORDER DENYING INTERLOCUTORY APPEAL

(Issued March 23, 1984)

BY THE COMMISSION:

By order issued January 17, 1984, we denied Long Island Lighting Company's three appeals from various rulings in which Administrative Law Judge William C. Levy directed it to disclose to staff a total of 39 documents that the company considered to be privileged. That denial, however, was subject to our "understanding that [the Judge] is reconsidering his rulings once again in light of the arguments raised and information presented by the company on appeal."^{1/}

Soon after, Judge Levy issued a ruling in which, upon reconsideration, he upheld the company's assertion of privilege with regard to 38 of the 39 documents at issue.^{2/}

^{1/}Case 27563, Order Denying Interlocutory Appeals (issued January 17, 1984) (the "January 17 Order"), mimeo p. 4.

^{2/}Case 27563, Ruling Following Interlocutory Appeals (issued January 26, 1984).

As to the 39th document, No. 2510, the Judge on reconsideration reaffirmed his previous denial of privilege.^{1/}

By motion dated February 1, 1984, the company appeals the Judge's continued denial of privilege with respect to Document No. 2510. Staff has responded in opposition to the appeal.

Document No. 2510 consists of handwritten notes (referred to by the company as Document No. 2510A) and a report (referred to as Document No. 2510B) written by William J. Museler, LILCO's Director of the Office of Nuclear. The notes and report pertain to a meeting held on October 17, 1983 to discuss the problems that had arisen concerning Shoreham's diesel generators. The meeting was attended by representatives of the company, Transamerica DeLaval Incorporated ("TDI") (the manufacturer of the generators), and Failure Analysis Associates (a consultant retained by LILCO's counsel in the Atomic Safety and Licensing Board (ASLB) operating license proceedings to assist them in those proceedings and in other potential litigation on the diesel generators).

In his ruling on reconsideration, Judge Levy held as follows:

LILCO argues that both parts of Document No. 2510, notes and the report, were crucial in preparation for litigation and hence are protected from disclosure. On reconsideration the claim of privilege is denied. Mr. Museler was attending the meeting on the alleged

^{1/}Document No. 2510 was the subject of the company's December 22, 1983 appeal, referred to in the January 17 Order as "Appeal III." The appeal had been taken from the Judge's Supplemental Discovery Ruling XII (issued December 8, 1983).

failure of the diesel generators as Director of LILCO's Office of Nuclear, and in the regular course of his duties as a company employee. He was not an outside expert retained to advise Company counsel in pending litigation. The Commission and its Staff, in the discharge of their regulatory and investigative responsibilities regarding the alleged failure of the Shoreham diesel generators are entitled to inspect relevant reports of LILCO employees. The meeting was held to consider the reasons for the alleged generator failures not to prepare for litigation. Staff is in no position to make a de novo examination of the generators and is entitled to see relevant reports of Company personnel. For the reasons indicated in my December 8, 1983 Supplemental Discovery Ruling XII, the claim of privilege is denied on reconsideration.^{1/}

In its present appeal, LILCO continues to maintain that both parts of the document are privileged because they are material created in preparation for litigation and that the memorandum, in addition, is protected by the attorney-client privilege. It asserts that the notes were taken at the direction of its attorneys in the ASLB proceeding, who would not attend the meeting themselves and who instructed Mr. Museler on the types of information he should record. It points to an affidavit by one of those attorneys, attesting that the notes were prepared at his request and were to be used by him and other attorneys "solely to prepare for the ASLB Proceeding and to advise LILCO as to the desirability and feasibility of potential litigation involving the diesel generators."^{2/}

^{1/}Case 27563, Ruling Following Interlocutory Appeals (issued January 26, 1984), pp. 6-7.

^{2/}Affidavit of Anthony F. Earley, Jr., Exhibit 5 to LILCO's Appeal, ¶2.

As for the memorandum, the company maintains that it, too, was prepared at counsel's request and that it goes beyond merely recounting the material in the notes. According to the company, the memorandum contains Mr. Museler's "analyses, thoughts, and impressions of the October 17, 1983 meeting; . . . a report of two October 11, 1983 telephone conversations between Mr. Museler and TDI personnel; . . . information gathered by Mr. Museler independent of the meeting; and. . . Mr. Museler's thoughts and suggestions on possible litigation strategy and additional prehearing investigations."^{1/} In addition, LILCO's counsel's affidavit attests that the memorandum from Mr. Museler "has been treated as confidential material" and "was to be used solely to advise LILCO as to their rights and obligations with respect to the diesel generators in the ASLB Proceedings and other possible litigation involving the diesel generators."^{2/}

On the basis of these facts, the company insists that both documents constitute material prepared for litigation. Inasmuch as staff has not alleged that the material can no longer be duplicated or that withholding the document would result in injustice or undue hardship, the company asserts that the conditions set in CPLR §3101(d) for the disclosure of litigation material have not been satisfied, and that the document should be regarded as immune from disclosure. Further, the company claims that the memorandum (Document No. 2510B) "was prepared at counsel's direction and is a communication made between counsel and a client in the course of professional employment. It has been kept confidential and the privilege has not otherwise been waived."^{3/}

^{1/}LILCO's Appeal, p. 7. See also Earley Affidavit, ¶4.

^{2/}Earley Affidavit, ¶¶5-6.

^{3/}LILCO's Appeal, pp. 8-9.

As such, the company concludes, the memorandum is an attorney-client communication and therefore privileged. The company adds that the Administrative Law Judge did not address the merits of this claim.

Staff responds that Mr. Museler's attendance at the meeting was a routine part of his job, and that materials prepared by him in the normal course of his activities are not immune from disclosure. That the notes were sent to LILCO's attorneys, staff continues, does not transform them into privileged material, and a communication is not privileged simply because it is made by or to an attorney. Staff adds that Judge Levy's determination, after twice reviewing and rejecting the company's arguments, is entitled to considerable deference.

In our January 17 order, we were concerned that some of the 39 documents at issue might be of the sort properly protected from disclosure. We therefore denied the company's appeal only on the understanding that the Judge was reconsidering his rulings in light of the arguments first posed by the company in its appeal. As noted, his reconsideration led the Judge to uphold the claim of privilege with respect to 38 of the 39 documents. As for the present document, however, the Judge saw no need to reverse his earlier ruling, and the arguments presented by the company on appeal--including the claim of attorney-client privilege--are the same as those before the Judge on reconsideration. The Judge has now reviewed the document twice, and he has had an opportunity to consider all of the company's arguments in support of its claim of privilege in light of our express concern that documents properly immune from disclosure be protected. He nevertheless has found no basis for withholding

the document from staff, and we are not persuaded that his finding was in error. Accordingly, the appeal is denied.^{1/}

The Commission orders:

1. Long Island Lighting Company's interlocutory appeal, dated February 1, 1984, is denied.
2. This proceeding is continued.

By the Commission,

(SIGNED)

JOHN J. KELLIHER
Secretary

^{1/}Though we are denying the appeal, we recognize the possibility that the document may be of the sort whose disclosure to third parties could weaken LILCO's position in potential litigation concerning the diesel generators. If, upon a request and showing by LILCO, the Judge finds that to be the case, he may impose suitable protective conditions on staff's use of the document.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

84 JUL 25 P3:14

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.

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS, dated July 24, 1984, have been served to the following this 24th day of July, 1984 by U.S. mail, first class, by hand when indicated by one asterisk and by Federal Express when indicated by two asterisks.

Lawrence J. Brenner, Esq. *
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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Hon. Peter F. Cohalan
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Hauppauge, New York 11788

Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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Odes L. Stroup, Jr., Esq.**
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Douglas J. Scheidt

Douglas J. Scheidt
KIRKPATRICK, LOCKHART, HILL,
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DATE: July 24, 1984