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RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

) Docket No. 50-322-OL
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)

SUFFOLK COUNTY'S APPLICATION FOR ISSUANCE OF SUBPOENA

Suffolk County hereby requests the Presiding Officer of this Licensing Board to issue a subpoena under 10 C.F.R. §2.720 to command the testimony by deposition of Harold V. Schilling, a former employee of Transamerica Delaval Inc. ("TDI"). Counsel for TDI has orally represented that Mr. Schilling will not voluntarily appear for deposition. The deposition of Mr. Schilling is expected to produce information of general relevance to the issues in this proceeding.

Mr. Schilling was employed by TDI as a Failure Analysis Engineer. According to documents obtained by Suffolk County pursuant to discovery, for several years Mr. Schilling performed numerous failure analyses of components on TDI Series R-4 diesel engines. For example, Mr. Schilling performed failure analyses of cracked cylinder heads on the M.V. Gott, the cracked cylinder blocks on the M.V. Columbia, and the jacket water pump shaft failure at the Shoreham Nuclear Power Station. Thus,

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Mr. Schilling's demonstrated familiarity with failed TDI diesel engine components appears to be of general relevance to the County's contentions as to the inadequacy of the design and manufacture of the TDI diesels. Accordingly, the County proposes to depose Mr. Schilling on his failure analysis work as it relates to the adequacy of the design, and the quality and reliability of the manufacture, of the TDI Series R-4 diesel engines and their components.

CONCLUSION

For the foregoing reasons, the deposition of Harold V. Schilling will produce information of "general relevance" to the issues in this proceeding. As Mr. Schilling will not appear for deposition voluntarily, Suffolk County requests this Board to issue a subpoena requiring Mr. Schilling to appear and give his deposition in this proceeding.

Respectfully submitted,

Martin Bradley Ashare
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Herbert H. Brown
Lawrence Coe Lanpher
Alan Roy Dynner
Douglas J. Scheidt
KIRKPATRICK, LOCKHART, HILL,
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1900 M Street, N.W., Suite 800
Washington, D.C. 20036

May 30, 1984

Attorneys for Suffolk County

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

SUBPOENA

To: Harold V. Schilling
2700 Cherry Lane
Walnut Creek, California 94596

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, and Section 2.720 of the Rules of Practice of the Nuclear Regulatory Commission, to appear and give your deposition in this proceeding at 9:30 a.m. Eastern Daylight Time on Wednesday, June 6, 1984, at the offices of KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M Street, N.W., Suite 800, Washington, D.C., as requested by Suffolk County, to testify on matters related to the adequacy of the design and manufacture of the Transamerica Delaval Inc. Series R-4 diesel engines with respect to your work as Failure Analysis Engineer at Transamerica Delaval Inc.

Under Section 2.720(f) of the Rules of the Commission, you may by motion promptly made and in any event at or before the

time specified herein for compliance and upon notice to Alan Roy Dynner or Douglas J. Scheidt, counsel for Suffolk County, request that this subpoena be quashed or modified if it is unreasonable or requires evidence not relevant to any matter in issue in the proceeding as indicated above. The Commission may condition its denial of such a motion to quash or modify this subpoena on just and reasonable terms.

NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Lawrence J. Brenner
Presiding Judge

Issued: May , 1984
Bethesda, MD

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
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LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

Docket No. 50-322 O.L.

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S APPLICATION FOR ISSUANCE OF SUBPOENA, dated May 30, 1984, have been served to the following this 30th day of May 1984 by U.S. mail, first class, by hand when indicated by one asterisk, and by Federal Express when indicated by two asterisks.

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DATE: May 30, 1984