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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))

Docket No. 50-322-OL

SUFFOLK COUNTY'S OPPOSITION TO
LILCO'S MOTION TO QUASH SUBPOENAS

Suffolk County hereby answers and opposes LILCO's Motion to Quash Subpoenas dated July 13, 1984, and received late Friday afternoon by the County.

LILCO's Motion makes no attempt, and provides no facts or arguments whatsoever, to show that the subject subpoenas are "unreasonable" or require "evidence not relevant to any matter in issue," as required by 10 C.F.R. § 2.720(f) for quashing a subpoena. On the other hand, Suffolk County's Application for Issuance of Subpoenas, dated July 9, 1984, demonstrates that the subject subpoenas are reasonable and necessary for obtaining evidence of important relevance to the County's admitted EDG Contention.

LILCO's Motion contains two basic arguments: first, that the County could have applied for the subpoenas earlier (paragraphs 1-4) and second, that the County and the Board violated a

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purported July 5 order by applying for and issuing, respectively, the subject subpoenas (paragraphs 5-7).

Suffolk County acknowledges that in May it learned that a meeting with ABS concerning the replacement crankshafts had been held with Messrs. Guiffra and Woytowich of ABS in attendance.^{1/} As stated in the County's Application (at 1), the County's representatives promptly contacted ABS to provide information about ABS's involvement, but not until July 3 did ABS decline to supply relevant information. Moreover, LILCO did not produce documents as to which the County wanted to question ABS until June 22 and July 5, 1984. See Application at 1.

The County could have sought to subpoena the ABS personnel earlier, but such action would have been premature and inefficient, and the depositions would have been taken without key documents not then produced by LILCO. Moreover, LILCO's complaint that the County's Application was untimely is without legal support. An application for subpoenas of non-parties pursuant to Section 2.720 may be made at any time, and is not limited to the discovery period.

LILCO's statement that the Board's July 5 bench order prohibited the subject subpoenas is incorrect. The County did tell the Board on July 5 that the County had informed LILCO that

^{1/} We note that paragraph 3 of LILCO's Motion asserts that in the deposition of Dr. Chen the County asked no questions about the meeting with ABS or the ABS certification of the crankshafts. That assertion is completely false. See Chen Deposition at 107-110, attached as Exhibit 1. In any case, whether or not the County asked these questions of Dr. Chen is irrelevant to the issuance of the subject subpoenas.

the County would be seeking to subpoena ABS personnel, and gave the reasons therefor. Tr. 21,672-73.^{2/} The County never asked the Board's permission to apply for these subpoenas. The Board never said anything about this matter, much less ruled on it. All the Board did at Tr. 21,876-77 (as cited by LILCO in paragraph 5 of its Motion) was to deny the County's request in part IV of its June 11 filing for discovery from certain TDI customers. The ABS is not a customer of TDI.

The Board never ordered Suffolk County not to apply for the subject subpoenas. The County did not violate any order in applying for the subpoenas, and this Board did not contradict any of its prior orders or statements by issuing the subject subpoenas.

LILCO's Motion fails to note that the subject subpoenas were discussed with the Board and parties during a teleconference on July 11, 1984. The record would have been more complete had LILCO related in its Motion the substance of that discussion and the Board's preliminary views concerning the subject subpoenas.

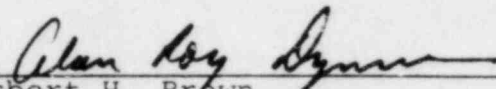
Finally, LILCO objects that issuance of the subpoenas "will require LILCO to prepare for and attend these depositions, at a time when the parties are engaged in the Preparation (sic) of testimony." LILCO has until August 14 to file its testimony -- two weeks after the County's testimony is due. Moreover, nothing requires LILCO to prepare for and attend the depositions. LILCO can choose not to attend if its priorities so dictate.

^{2/} LILCO's Motion (at 2) miscites the transcript pages as 21,772-73, an apparent typographical error.

For all of the foregoing reasons, Suffolk County respectfully urges the Board to deny LILCO's Motion to Quash Subpoenas.

Respectfully submitted,

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July 16, 1984

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 SIMON K. CHEN

Washington, D. C.

Tuesday, May 15, 1984

AR
ALDERSON REPORTING

(202) 628-9300
440 FIRST STREET, N.W.
WASHINGTON, D.C. 20001

1 Q Are there ABS figures comparable to the Ilcyd
2 figures that you used?

3 A No. I used the Ilcyd figures for ABS
4 calculations.

5 Q I understand, but my question is are there ABS
6 figures comparable to the Lloyd figures that you used?

7 A There is no tabulation as such in the ABS and
8 the ABS will say that the company should generate its
9 own pressure/time diagram.

10 Q Did you have any discussions with any
11 personnel from ABS concerning your findings?

12 A No, I have no discussion with them, but I
13 attended one of the meetings together with Mr. Yen and
14 Mr. Montgomery. I have attended one ABS meeting
15 together with Mr. Roland Yen of TDI and Gene Montgomery
16 of LIICO, as well as Paul Johnston of Failure Analysis,
17 and the date I don't remember. It was sometime in
18 March, I believe.

19 Q What was the purpose of that meeting?

20 A LIICO management wants to be sure that I know
21 what I'm talking about. I don't know. They say, well,
22 you really know the new rules? I said, well, I think I

1 know the rules, so they go to APS and talk to Mr. Giuffa
2 and another gentleman.

3 Q Would you repeat that name?

4 A Giuffa -- G-i-u-f-f-a.

5 Q And at that meeting you reviewed your
6 calculations with Mr. Giuffa?

7 A No, I did not. I did not. We were just
8 discussing to be sure that Mr. Montgomery knows what the
9 rules are because I knew that they have some new rules,
10 so that they explained the rules, how to use the rules
11 and so forth. They have a 1984 edition of the rule
12 which I did not have when I visited them. I had the
13 1982 version, I believe, so Mr. Paul Johnston purchased
14 a copy of those rules and made some copies for me so
15 that I could go home and check my calculations once
16 more.

17 Q So you did your original calculations under
18 the '82 rules?

19 A Correct.

20 Q Later you checked them against the '84 rules?

21 A Exactly.

22 Q And was there any appreciable change?

1 A No. I think I like the '84 rules better. I
2 think the '84 rules are more definitive. The '82 rules
3 are just like all these rules, are not very definitive.

4 Q In doing the calculations under the '84 rules
5 did you find that there was more room, more leeway, or
6 less leeway?

7 A The same.

8 MR. STROUPE: Object to the form of the
9 question.

10 THE WITNESS: Approximately the same because
11 these rules are -- without the methods specified it's
12 very difficult.

13 BY MR. DYNNER: (Resuming)

14 Q Did you obtain an ABS approval or
15 certification for the crankshaft?

16 A I did not. I 's not my crankshaft. I did
17 not.

18 Q Did IILCO get one?

19 A I believe in the testimony the other day I was
20 sitting in testimony the other day that TDI has gotten
21 approval.

22 Q Did you make any other calculations with

1 respect to the replacement crankshafts?

2 A I did go through quite a few calculations in
3 fact to be sure that the crankshaft meets my rule.

4 Q What is the Chen rule?

5 A The Chen rule is more stringent than the ABS
6 rule.

7 Q What calculations did you make to see whether
8 it met the Chen rule?

9 A I checked the fillet. I checked the
10 proportions and so I used my software and went through
11 it to be sure the replacement shaft would stand up under
12 the conditions it was intended for. I trust my own
13 rules better than the ABS rules.

14 Q Did you take into consideration the shotpeen
15 of the fillets and any other portions of the crankshafts
16 when you did your calculations?

17 MR. STROUPE: Object to the form of the
18 question. I don't think there has been any reference to
19 the shotpeen.

20 THE WITNESS: You mean the shotpeen at the
21 fillet?

22 BY MR. DYNNER: (Resuming)

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S OPPOSITION TO LILCO'S MOTION TO QUASH SUBPOENAS, dated July 16, 1984, have been served on the following this 16th day of July 1984 by U.S. mail, first class, except as otherwise indicated.

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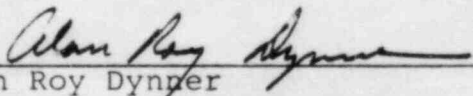
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DATE: July 16, 1984

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* By Hand Delivery