

LILCO, July 27, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
JUL 30 1984

Before the Atomic Safety and Licensing Board ^{84 JUL 30} P12:44

In the Matter of)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322-OL-3
(Shoreham Nuclear Power Station,) (Emergency Planning
Unit 1)) Proceeding)

LILCO'S APPLICATION
FOR ISSUANCE OF SUBPOENAS

Pursuant to the Board's ruling of July 12, 1984 (Tr. 12,829-34), Long Island Lighting Company (LILCO) requests the presiding officer of this Licensing Board to issue subpoenas under 10 CFR Section 2.720 to command the appearance of and testimony by James Hines and Frank A. Cipriani at the emergency planning hearings. Counsel for Suffolk County and counsel for the State of New York have orally represented that they will not voluntarily produce these two people as witnesses. In addition, pursuant to the Board's July 12 order (Tr. 12,834) LILCO has attempted to reach an agreement with the parties to avoid the necessity of requesting subpoenas; these discussions have not borne fruit.^{1/} The parties have agreed, however, upon

^{1/} LILCO suggested that the County and State voluntarily make these witnesses available for deposition, with the understanding that they would not then appear at hearings; counsel for the Suffolk County and for the State declined to produce the witnesses voluntarily for depositions or as witnesses at the hearings, and did not offer any counter-proposal regarding the issues of (1) providing a foundation for the two letters signed by these gentlemen and offered into evidence by Suffolk County, and (2) affording LILCO discovery regarding these letters.

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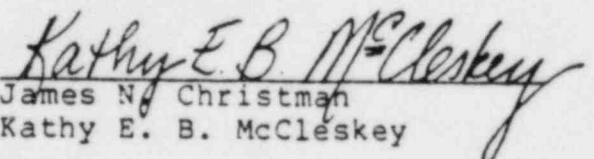
a date certain for these witnesses to appear should the Board issue subpoenas.

The testimony of Messrs. Cipriani and Hines will produce information of relevance to the emergency planning issues raised in Contentions 74 and 75 regarding relocation centers (see 10 CFR §2.720(a)). These gentlemen are the signators of letters dated July 21, 1984 addressed to the American Red Cross and discussing the availability of facilities relied upon by LILCO and the Red Cross as relocation centers. Suffolk County has offered those letters into evidence as part of its revised testimony on relocation centers. If the Board denies LILCO's pending motion to strike those letters as lacking foundation (see Tr. 12,831, lines 7-18), it is necessary that Messrs. Cipriani and Hines appear as witnesses to allow LILCO to adequately explore the contents of the letters.

For the reasons stated above, LILCO asks the Board to issue subpoenas for the appearance of Messrs. Hines and Cipriani at the hearings on August 22, 1984, beginning at 9:00 a.m., to discuss the use of their facilities as relocation centers in connection with the LILCO Transition Plan.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY


James N. Christman
Kathy E. B. McCleskey

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23219

DATE: July 27, 1984

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-3
)	(Emergency Planning
(Shoreham Nuclear Power Station,)	Proceeding)
Unit 1))	

SUBPOENA

THE NUCLEAR REGULATORY COMMISSION TO:

Frank A. Cipriani
President
State University of New York
Agricultural and Technical College
Farmingdale, New York 11735

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 testimony in this proceeding at 9:00 a.m. Eastern Daylight Time on Wednesday, August 22, 1984, at Room 3B46, Court of Claims, State of New York, State Office Building, Veterans Memorial Highway, Hauppauge, New York, as requested by the Long Island Lighting Company (LILCO), to testify on the June 21, 1984 letter from you to Mrs. Patricia Nocher, American Red Cross, Executive Director of Nassau County Chapter, regarding relocation centers for LILCO's emergency response plan for the Shoreham Nuclear Power Station.

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 James N. Christman or Kathy E. B. McCleskey, counsel for LILCO, 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.

Further, pursuant to Section 2.720(d), fees and mileage payable to witnesses in district courts of the United States are hereby tendered.

NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

James A. Laurenson
Presiding Judge

Issued:

July __, 1984
Bethesda, Maryland

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-3
(Shoreham Nuclear Power Station,) (Emergency Planning
Unit 1)) Proceeding)

RETURN ON SERVICE

Received this subpoena at ____ on ____ and on ____ at ____.
I served it on the within named Frank A. Cipriani by delivering
a copy to him and tendering to him the fee for one day's atten-
dance and the mileage allowed by law.

Dated _____

By _____

Service Fees

Travel \$ _____

Services \$ _____

Total \$ _____

Subscribed and sworn to before me this _____ day of
_____, 1984.

Notary Public

41753
DOLLARS

MEMO	15 WAS ORDER OF	DATE	CHECK AMOUNT
Frank A. Cypriani		7/27/84	33 70

BANK OF VIRGINIA
RICHMOND, VIRGINIA

00041753 1051006778 5527622442

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-3
)	(Emergency Planning
(Shoreham Nuclear Power Station,)	Proceeding)
Unit 1))	

SUBPOENA

THE NUCLEAR REGULATORY COMMISSION TO:

James Hines
District Superintendent
Board of Cooperative Educational Services
201 Sunrise Highway
Patchogue, New York 11772

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 testimony in this proceeding at 9:00 a.m. Eastern Daylight Time on Wednesday, August 22, 1984, at Room 3B46, Court of Claims, State of New York, State Office Building, Veterans Memorial Highway, Hauppauge, New York, as requested by the Long Island Lighting Company (LILCO), to testify on the June 21, 1984 letter from you to Mrs. Patricia Nocher, American Red Cross, Executive Director of Nassau County Chapter, regarding relocation centers for LILCO's emergency response plan for the Shoreham Nuclear Power Station.

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 James N. Christman or Kathy E. B. McCleskey, counsel for LILCO, 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.

Further, pursuant to Section 2.720(d), fees and mileage payable to witnesses in district courts of the United States are hereby tendered.

NUCLEAR REGULATORY COMMISSION
Atomic Safety and Licensing Board

James A. Laurenson
Presiding Judge

Issued:

July __, 1984
Bethesda, Maryland

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-3
) (Emergency Planning
(Shoreham Nuclear Power Station,) Proceeding)
Unit 1))

RETURN ON SERVICE

Received this subpoena at ____ on ____ and on ____ at ____.
I served it on the within named James Hines by delivering a
copy to him and tendering to him the fee for one day's atten-
dance and the mileage allowed by law.

Dated _____ By _____

Service Fees

Travel \$ _____
Services \$ _____
Total \$ _____

Subscribed and sworn to before me this _____ day of
_____, 1984.

Notary Public

HUNTON & WILLIAMS
P. O. BOX 1535
RICHMOND, VIRGINIA 23212

DATE	INVOICE	ACCOUNT

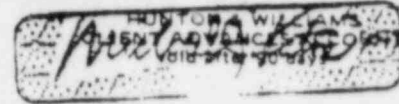
Jul 27 84 68-677
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41754

HUNTON & WILLIAMS 333600

PAY

DOLLARS

MEMO	TO THE ORDER OF	DATE	CHECK AMOUNT
	James Hayes	7/27/84	333.36



BANK OF VIRGINIA
RICHMOND, VIRGINIA

BY _____

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LILCO, July 27, 1984

CERTIFICATE OF SERVICE

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
(Emergency Planning Proceeding)
Docket No. 50-322-OL-3

'84 JUL 30 P12:44

I certify that copies of LILCO's APPLICATION FOR ISSU-
ANCE OF SUBPOENAS were served this date upon the following by
first-class mail, postage prepaid, or (as indicated by one as-
terisk) by hand, or (as indicated by two asterisks) by
Telecopier.

James A. Laurenson,
Chairman*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 402A
4350 East-West Hwy.
Bethesda, MD 20814

Dr. Jerry R. Kline*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 427
4350 East-West Hwy.
Bethesda, MD 20814

Mr. Frederick J. Shon*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 430
4350 East-West Hwy.
Bethesda, MD 20814

Eleanor L. Frucci, Esq.*
Attorney
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
East-West Tower, North Tower
4350 East-West Highway
Bethesda, MD 20814

Secretary of the Commission
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

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

Bernard M. Bordenick, Esq.*
Oreste Russ Pirfo, Esq.
Edwin J. Reis, Esq.
U. S. Nuclear Regulatory
Commission
7735 Old Georgetown Road
(to mailroom)
Bethesda, MD 20814

Stewart M. Glass, Esq.
Regional Counsel
Federal Emergency Management
Agency
26 Federal Plaza, Room 1349
New York, New York 10278

Stephen B. Latham, Esq.
John F. Shea, Esq.
Twomey, Latham & Shea
33 West Second Street
P.O. Box 398
Riverhead, NY 11901

Fabian G. Palomino, Esq.**
Special Counsel to the
Governor
Executive Chamber
Room 229
State Capitol
Albany, New York 12224

Herbert H. Brown, Esq.*
Lawrence Coe Lanpher, Esq.
Christopher M. McMurray, Esq.
Kirkpatrick, Lockhart, Hill
Christopher & Phillips
8th Floor
1900 M Street, N.W.
Washington, D.C. 20036

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Mr. Jay Dunkelberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Gerald C. Crotty, Esq.
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23212

DATED: July 27, 1984

Ralph Shapiro, Esq.
Cammer & Shapiro, P.C.
9 East 40th Street
New York, New York 10016

James B. Dougherty, Esq.
3045 Porter Street
Washington, D.C. 20008

Jonathan D. Feinberg, Esq.
New York State Public Service
Commission, Staff Counsel
3 Rockefeller Plaza
Albany, New York 12223

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency Management
Agency
500 C Street, S.W., Rm. 840
Washington, D.C. 20472

Ms. Nora Bredes
Executive Coordinator
Shoreham Opponents' Coalition
195 East Main Street
Smithtown, New York 11787

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

Kathy E. B. McCleskey
Kathy E. B. McCleskey