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RELATED CORRESPONDENCE

SUFFOLK COUNTY, FEBRUARY 8, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

SUFFOLK COUNTY'S OPPOSITION TO LILCO'S MOTION TO  
STRIKE SUFFOLK COUNTY'S CYLINDER BLOCK TESTIMONY

For the reasons discussed below, LILCO's Motion to Strike portions of the County's Cylinder Block Testimony should be denied.

I. Question No. 7

LILCO has moved to strike the answer to Question No. 7 on two grounds: (A) that the answer is unresponsive and lacks a proper foundation, and (B) that Mr. Bridenbaugh is not qualified to offer expert opinion on the particular subject matter. Both arguments must be rejected.

A. In Answer 7, Mr. Bridenbaugh states that measuring and strain gage monitoring of the cracks in the cam gallery

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regions of the EDGs is necessary for the reasons stated by Drs. Anderson and Bush in their earlier testimony on the subject. LILCO asserts that this testimony is not responsive to the question but fails to explain why it is not responsive. In the absence of such explanation, the County does not understand LILCO's objection. The question was intended to ask whether the County's position on measuring and strain gage monitoring had changed because of anything presented in LILCO's most recent testimony. The County believes that the phrasing of the question is adequate for the purpose and that the answer is clearly responsive. In any case, lack of "responsiveness" is not a valid ground for excluding testimony. See 10 CFR Section 2.743(c).

LILCO also asserts that this testimony lacks a proper foundation because the prior testimony of Drs. Anderson and Bush was given without the benefit of new data contained in LILCO's additional testimony. LILCO further asserts that the opinions of Drs. Anderson and Bush might be different in light of this new data. However, the prior testimony of those witnesses belies that assertion. Their prior testimony discloses that their recommendation for measuring and strain gage monitoring the cam gallery cracks would not have changed even if they had the new data available to them at the time.

It is important first to note that the new data referred to by LILCO does not change LILCO's previous position concerning the cam gallery cracking. Indeed, in LILCO's recently filed testimony on this subject, LILCO acknowledged that fact in stating that the high magnification photographs and the x-ray crystallography results "confirmed LILCO's previous testimony that the cam gallery cracks in the original EDG 103 block were fabrication cracks that had not propagated during EDG operation."<sup>1/</sup> LILCO also testified that the strain gage measurements confirmed LILCO's previous testimony that the cam gallery cracks are under compression.<sup>2/</sup>

Both Dr. Anderson and Dr. Bush, however, testified that, regardless of whether the cracks were fabrication cracks that had not propagated during EDG operation and that were in compression during EDG operation, measurements and strain gage monitoring of the cam gallery cracks were required.<sup>3/</sup> Indeed, Dr. Bush agreed with LILCO's testimony that the cracks were

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<sup>1/</sup> See Additional Cylinder Block Testimony of Dr. Duane P. Johnson, et al., on behalf of Long Island Lighting Company, January 15, 1985, at 14; Tr. 26,525-26 (Rau).

<sup>2/</sup> Id. at 20; Tr. 26,658-59 (Rau).

<sup>3/</sup> See, e.g., Tr. 26,767-68 (Anderson); Bush and Henriksen, ff. Tr. 26,775, at 4-6.

under compression and would not grow, but insisted that monitoring was necessary because the cam gallery cracks in EDG 101 and 102 had not been removed.<sup>4/</sup> Monitoring was necessary, in Dr. Bush's opinion, even if the stress field in the cam gallery was shown to be compressive through a test on EDG 103.<sup>5/</sup>

Dr. Anderson, who was aware of the preliminary strain gage results and had heard LILCO's testimony as to why monitoring was unnecessary, agreed with Dr. Bush that monitoring was necessary. Dr. Anderson testified that even after all of the examinations he recommended were performed, including x-ray crystallography, high magnification photography and strain gaging to ascertain residual stress levels, monitoring should still be employed as an operational control.<sup>6/</sup>

In summary, it is clear from the context of the prior testimony by Drs. Anderson and Bush that their opinions in this area would not have been affected by the new data relied on by LILCO. LILCO's objection to the contrary is simply unsupportable.

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<sup>4/</sup> See, e.g., Bush and Henriksen, ff. Tr. 25,775, at 5.

<sup>5/</sup> Id. at 6.

<sup>6/</sup> Tr. 26,768 (Anderson).



B. LILCO also argues that the answer to Question No. 7 should be stricken on the basis that Mr. Bridenbaugh is not qualified to offer expert testimony on the necessity for monitoring cam gallery cracks (LILCO Motion at 6-7). Without even attempting to support its assertion with any facts or analysis, LILCO baldly asserts that Mr. Bridenbaugh's testimony requires expertise in fracture mechanics analyses and the use of strain gage data to perform such analyses (LILCO Motion at 6).

The County disagrees with LILCO's assertion that Mr. Bridenbaugh's testimony requires any expertise in fracture mechanics analysis and strain gage data. Nevertheless, if any expertise in those fields were required to qualify the witness to give the testimony in question, the County submits that it need be only the expertise to understand the meaning and significance of fracture mechanics analysis and strain gage data, not the expertise to perform a fracture mechanics analysis or translate strain gage data from one block to another as LILCO contends. The County contends that Mr. Bridenbaugh does have the training and experience to understand the meaning and significance of fracture mechanics analysis and strain gage data, and the testimony cited by LILCO does not establish the contrary.<sup>7/</sup> Therefore, if it is appropriate to challenge Mr.

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<sup>7/</sup> Although Mr. Bridenbaugh did testify in his deposition that he had no specific knowledge of whether the design

(Footnote cont'd next page)

Bridenbaugh's testimony on this basis at all, the challenge must await cross-examination to establish that Mr. Bridenbaugh does not in fact possess that requisite expertise.

II. Question and Answer Nos. 4 and 5

LILCO moves to strike portions of answer 4 and all of answer 5 in the event that the Board grants the County's motion to strike LILCO's cumulative damage testimony. The County hereby withdraws its motion to strike the references to cumulative damage appearing on page 9/ answer 9 (second paragraph) and page 3/answer 3.2 (third sentence) of LILCO's block testimony. Those references were erroneously included in the County's motion to strike the only other reference to cumulative damage calculations discussed in that motion, page 13/answer 15 of LILCO's block testimony. The County's withdrawal of the two

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(Footnote cont'd from previous page)

differences between the EDG 103 block and the blocks on EDGs 101 and 102 would affect the transferability of the results of the strain gage testing in the cam gallery area, Mr. Bridenbaugh's deposition testimony goes on to describe the general bases for his opinion that the difference in design make suspect the relevancy of the endurance run on EDG 103 to the other EDGs. Joint Deposition of Dale Bridenbaugh and Gregory Minor, December 18, 1984, at 63-64. Those bases also appear in greater detail in answer 6 of the County's cylinder block testimony. This testimony further demonstrates that Mr. Bridenbaugh is qualified to offer the challenged testimony.

erroneously included objections removes any alleged unfairness to LILCO. The County continues to believe that the remaining reference to cumulative damage calculations should be stricken. Striking that testimony works no unfairness to LILCO because the cumulative damage calculations which are the subject of that testimony are different calculations than the ones referred to in the County's Answers No. 4 and 5 here in question.

More particularly, the County's January 22, 1985 Motion to Strike was really directed at LILCO's testimony at page 13/answer 15 concerning cumulative damage calculations that were based on a so-called refined determination of stresses from the strain gage testing. As the County's motion indicated, this new testimony is outside the permissible scope of the evidence established by the Board's December 4, 1984 order because it does not concern the results of additional testing or inspections of the cylinder block after the endurance test run on EDG 103. In fact, that testimony relates to refined cumulative damage calculations based on strain gage testing previously performed on the EDG 103 original block, and represents an improper attempt to supplement the record on issues that were already closed, i.e., the adequacy of the blocks at 3500/3900kW (County Motion to Strike at 3).

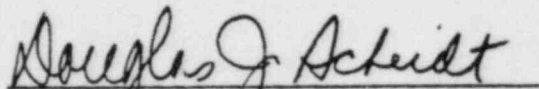
In moving to strike that testimony, the County mistakenly included the two additional references to cumulative damage analyses -- the portions of Answer No. 4 and 5 here in question -- that were not based on a refined determination of stresses from the previously performed strain gage testing of the EDG 103 original block. Because these two additional references relate to LILCO's original cumulative damage analysis and not to the "refined" newer one, they should not have been included in the County's motion and the County hereby withdraws its motion to strike those two references. That disposes of LILCO's claim of prejudice and there is no other basis for striking the County's testimony here in issue.

For the foregoing reasons, LILCO's motion to strike the County's Cylinder Block Testimony should be denied.



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February 8, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S OPPOSITION TO LILCO'S MOTION TO STRIKE SUFFOLK COUNTY'S CYLINDER BLOCK TESTIMONY, dated February 8, 1985, have been served on the following this 8th day of February, 1985, by U.S. mail, first class, except as otherwise indicated.

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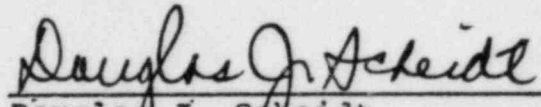
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