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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNR

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

'84 SEP -6 AM 11:37

Docket No. 50-322-X
(OL)

NUCLEAR REGULATORY COMMISSION
DOCKETING & SERVICE
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NRC STAFF RESPONSE TO "LILCO's SUPPLEMENTAL
MOTION TO STRIKE PORTIONS OF THE JOINT DIRECT
TESTIMONY OF DR. ROBERT N. ANDERSON, PROFESSOR
STANLEY G. CHRISTENSEN, G. DENNIS ELEY,
ANEESH BAKSHI, DALE G. BRIDENBAUGH AND RICHARD B. HUBBARD

On August 29, 1984, Applicant Long Island Lighting Company filed a supplemental motion to strike testimony in the captioned proceeding. This motion states, in essence, that Intervenor Suffolk County's witnesses lack any degree of expertise in the areas of finite element analysis (Motion, pp. 2-9, 13-15), fracture mechanics or foundry casting practices (Motion, pp. 9-11), and stress and fracture analysis and metallurgy (Motion, pp. 11-13).

The Staff believes that the qualifications and expertise of each of the witnesses whose testimony is sought to be struck constitute matters going to the weight (at least insofar as set forth in the pleadings of record), and not the admissibility, of the testimony. There is at least some degree of knowledge of the general subject matter of the cited testimony demonstrated in either the qualifications, the direct testimony, or the depositions of

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Intervenor's witnesses.^{*/} Whether or not the requisite expertise to sponsor the testimony exists can be more fully explored on cross-examination. After such cross-examination, motions to strike might be more appropriately entertained. Accordingly, the NRC Staff does not support Applicant's Motion to strike the subject testimony at this time.

Respectfully submitted,



Richard Goddard
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 5th day of September, 1984.

^{*/} E.g., Dr. Robert Anderson possesses a Ph.D. from Stanford in metallurgy, and has written numerous publications in the subject area, as well as acting as consultant to a number of foundries, and has been involved in analyzing a number of casting problems, which provides him with sufficient familiarity in the areas of metallurgy to be of aid to the Board in evaluating the testimony regarding appropriate failure analyses discussed on pp. 78-80 of the Suffolk County Testimony. Anderson qualifications, Attachment 1. Additionally, Stanley Christensen is a Professor of Marine Engineering, and author of Lamb's Questions and Answers on the Marine Diesel Engine, and his acknowledged expertise in the areas of diesel engine operation provides him with sufficient basis to aid the Board in assessing the testimony concerning the adequacy of the replacement crankshafts discussed on pp. 133-35 of the Suffolk County Testimony. Christensen qualifications, Attachment 2; Christensen Deposition (May 8, 1984) pp. 37-38, 41, 64.

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NUCLEAR REGULATORY COMMISSION

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

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Docket No. 50-322-1
(OL) SECRET
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO 'LILCO's SUPPLEMENTAL MOTION TO STRIKE PORTIONS OF THE JOINT DIRECT TESTIMONY OF DR. ROBERT N. ANDERSON, PROFESSOR STANLEY G. CHRISTENSEN, G. DENNIS ELEY, ANEESH BAKSHI, DALE G. BRIDENBAUGH AND RICHARD B. HUBBARD" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 5th day of September, 1984:

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