UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of the Application of)	
Public Service Company of Oklahoma,)	
<u>Associated Electric Cooperative, Inc.</u>)	Docket Nos.
and)	STN 50-556
<u>Western Farmers Electric Cooperative</u>)	STN 50-557
(Black Fox Units 1 and 2))	

APPLICANTS' OBJECTIONS TO
PREFILED TESTIMONY

Pursuant to the Board's Order of August 28, 1978, Public Service Company of Oklahoma, Associated Electric Cooperative, Inc. and Western Farmers Electric Cooperative ("Applicants") provide the following notice of objections to prefiled Testimony, Witness Qualifications, Attachments to Testimony and proposed exhibits. Consistent with the procedures set forth in a "Stipulation of Applicants, Intervenor and NRC Staff For the Conduct of The Environmental and Site Suitability Hearings For the Black Fox Station," dated July 27, 1977, and the Board's endorsement of that procedure at the prehearing conference of June 29, 1978 (Tr. p. 4204), the stated objections are summary in form without supporting argument. The purpose of these objections is to preserve Applicants' right to object at the hearing. It is anticipated that more detailed review of the filed testimony and attachments and appropriate voir dire at the hearing may obviate some objections.

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Intervenors' Testimony

Both the Applicants and NRC Staff filed comprehensive motions for summary disposition supported by affidavits and other evidence. Intervenors opposed those motions and filed a supporting affidavit. In an "Order Ruling On Motions For Summary Disposition," this Board reviewed all of the evidence before it, considered in detail each of Intervenors' arguments and made rulings dismissing, in part, certain contentions. In many instances, Intervenors' pre-filed testimony attempts to re-raise these issues and, in some instances, raise new issues. If successful, the effect of such attempts would be to circumvent those portions of the Commission's Rules of Practice designed to define issues for hearing and to render meaningless the efforts of the parties and the Board to employ those procedures for their intended purpose. This accounts in large part for the numerous objections made to Intervenors' testimony. Applicants' objections to specific sections of Intervenors' testimony are as follows:

- A. Testimony of Gregory C. Minor Regarding Contention 1,
(Flow Induced Vibrations):

Section III

- 3.1 - Does not address Question 1-1 and is, therefore, irrelevant and immaterial.

- B. Testimony of Gregory C. Minor Regarding Contention 2,
(ECCS):

3.1 - The first and last two paragraphs of this section do not address Questions 2-1, 2-2 and 2-3 and are, therefore, irrelevant and immaterial.

C. Testimony of Dale G. Bridenbaugh Regarding Contention 5, (Earthquake Loads on RPV Skirt and Pedestal):

3.2 - This section goes well beyond Question 5-1 and is, therefore, irrelevant and immaterial.

3.3 - This entire section is irrelevant and immaterial to Question 5-1.

3.4 - This section assumes facts which Intervenor do not intend to put in evidence and constitutes impermissible hearsay.

D. Testimony of Richard B. Hubbard Regarding Contention 6, (Tornado Effects on Containment and Fuel Storage Facilities):

3.1, 3.4, 3.5 and 3.6 - These sections do not address Questions 6-1 and 6-2 and are, therefore, irrelevant and immaterial.

Attachments A, B, C and D to the testimony are irrelevant and immaterial to any issue before the Board and constitute impermissible hearsay.

E. Testimony of Gregory C. Minor Regarding Contentions 7, 8 and 9, (Fire Protection):

3.2.3 - This section is irrelevant and immaterial.

F. Testimony of Richard B. Hubbard Regarding Contention 10, (Quality Assurance):

3.1 - This section does not address Questions 10-1, 10-2, 10-3 or 10-4 and is, therefore, irrelevant and immaterial.

3.2 - That portion of this section beginning with the last paragraph on page 10-12 and continuing to the end of the section is relevant, if at all, only to a contention not admitted in controversy, assumes facts Intervenor's do not intend to place in evidence and constitutes impermissible hearsay.

3.3 - With the exception of the first paragraph in this section, the information provided is irrelevant and immaterial to Questions 10-1, 10-2, 10-3 and 10-4.

3.4 - This section is irrelevant and immaterial. Attachments A, B, F, G and H are irrelevant and immaterial.

G. Testimony of Dale G. Bridenbaugh Regarding Contention 12, (Spent Fuel Pool):

3.2 -

Subsection 3 - The last three sentences in this subsection are irrelevant and immaterial.

Subsection 4 - Except for the first three sentences, this subsection is irrelevant and immaterial.

H. Testimony of Gregory C. Minor Regarding Contention 13,
(Emergency Plan):

3.3 - This section is entirely irrelevant and im-
material to Question 13-1.

I. Testimony of Dale G. Bridenbaugh Regarding Contention 15,
(IGSS Cracking):

3.1 - This section is immaterial to Question 15-1.

3.2 -

Subsections 2, 3 and 4 - These sections are
irrelevant and immaterial to Question 15-1.

J. Testimony of Dale G. Bridenbaugh Regarding Contentions 3
and 16, (Containment):

3.1 - This section is irrelevant and immaterial.

Attachment A is a copy of the testimony on Conten-
tion 5 and is objectionable because it is re-
petitive in addition to all of the grounds
stated under heading C above.

K. Testimony of Richard B. Hubbard Regarding Questions 19-1,
19-2 and 19-3:

3.1 - This section is immaterial to Question 19-1.

Moreover, Mr. Hubbard is not competent to
testify to the legal conclusions contained
therein.

3.2 - Mr. Hubbard is not competent to testify to
the legal conclusions contained therein.

3.4 - This section is irrelevant and immaterial.

3.5 - This section is irrelevant and immaterial.

3.6 - This section is immaterial to Question 19-1.

Moreover, Mr. Hubbard is not competent to testify to the legal conclusions contained therein.

L. Testimony of Gregory C. Minor Regarding Contention 65,
[sic. - this is Contention 67] (ATWS):

No objections

M. Testimony of Richard B. Hubbard Regarding Contention 66:

With the exception of the first paragraph and last sentence of the second paragraph of Section 3.2 of this testimony on page 66-6, the entire testimony is irrelevant and immaterial to Question 66-1. In addition, with respect to Sections 3.2 and 3.5, Mr. Hubbard is incompetent to testify regarding the legal conclusion contained therein.

N. Testimony of Dale G. Bridenbaugh Regarding Contention A-1,
(Prevention of Off-Gas Explosions):

No objections

NRC Staff Testimony

Applicants' objections to specific portions of NRC testimony are as follows:

- A. Testimony of Brian W. Sheron, Ronald K. Frahm, and/or Denwood F. Ross and Thomas M. Novak on Board Questions 2-1, 2-2 and 2-3:

Question 2-2 - All of the material under this heading, except for the first paragraph on page 2-3, is irrelevant and immaterial.

- B. Testimony on Contention 2, Report on NRC Inspection of Safety Analysis Computer Code Development by R. H. Brickley:

This entire piece of testimony is irrelevant and immaterial.

- C. Testimony of Mr. A. C. Thadoni and/or D. F. Ross, T. M. Novak on Contention 65, [sic. - this is Contention 67], Anticipated Transients Without Scram (ATWS):

The material under headings number 5a, Contention 8, Contention 9, Contention 11 and Contention 14 on pages 65-7, 65-8 are irrelevant and immaterial.

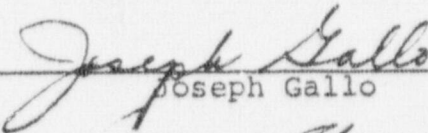
- D. In addition, Applicants object to all Regulatory Guides, Task Action Plans and Branch Technical Positions attached to or filed with the NRC Staff testimony or identified as potential exhibits as irrelevant and immaterial unless and until an appropriate offer of proof is made.


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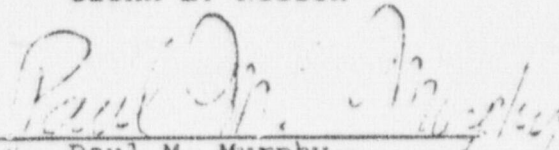
As indicated with respect to Applicants' objections to Intervenor's testimony, voir d re, adequate offers of proof or Applicants' more detailed review of the NRC Staff's materials may obviate some of the above objections.

DATED: October 4, 1978

Respectfully submitted,


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CERTIFICATE OF SERVICE

I, Paul M. Murphy, one of the attorneys for Public Service Company of Oklahoma, certify that copies of "Applicants' Objections To Prefiled Testimony" have been served in the above-captioned matter on the following by United States mail, postage prepaid, this 4th day of October, 1978:

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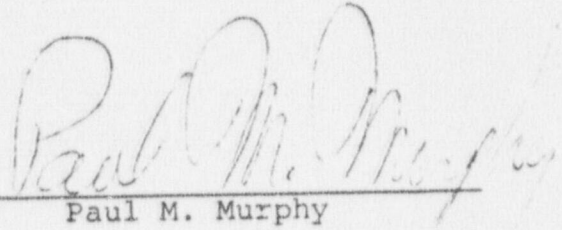
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DATED: October 4, 1978



A handwritten signature in cursive script, reading "Paul M. Murphy", is written over a horizontal line.

Paul M. Murphy