

5. Hearing schedule (order and manner of proceeding);
and
6. Other matters calculated to expedite the proceeding.

Applicants, South Carolina Electric & Gas Company ("SCEG") and Public Service Authority of South Carolina ("the Authority"), submit the following suggestions on the matters to be taken up at the prehearing conference.

Issues

The issues for hearing have already been specified. They include the six remaining admitted contentions of Intervenor Brett A. Bursey ("Order Admitting Contentions," April 24, 1978, as modified by April 9, 1979 Order granting summary decision on two contentions; and by withdrawal of contention A5 by Intervenor, August 3, 1978 Prehearing Conference, Tr 273) and the two matters identified by the Board at the November 25, 1980 Third Prehearing Conference, i.e. management attitude (Tr 322) and hydrological interaction of the nuclear unit and the Fairfield Pumped Storage Facility (Tr 323). The six admitted contentions read as follows:

Contention A2 (a) The Applicant lacks the financial qualifications necessary to safely operate and decommission the Summer station in compliance with NRC rules and regulations;

(b) The sum allocated by the Applicant for the decommissioning of the Summer Plant (less than \$10 million) is grossly inadequate and does not conform to the requirements of 10 CFR §50.33(f).

Contention A3 The Applicant has not met the requirements of the NRC Staff to assure that the probability of occurrence of an ATWS event is acceptably small.

Contention A4 (a) The FSAR is inadequate with respect to the description of seismic activity in the area of the Summer Plant site;

(b) The plans for monitoring site seismicity are inadequate in that they do not consider the seismic effect of filling the reservoir. Site seismicity should be monitored for one year subsequent to filling the reservoir and prior to the granting of an operating license.

Contention A8 The Applicant has made inadequate preparations for the implementation of his emergency plan in those areas where the assistance and cooperation of state and local agencies are required.

Contention A9 The quality control of the Summer plant is substantially below NRC standards as evidenced by consistently substandard workmanship, in several aspects, during the construction of the plant.

Contention A10 The following effects - on a long term basis - have been sufficiently underestimated by the Applicant and the Staff so as to compromise the validity of the favorable Benefit-Cost balance struck at the construction permit phase of this proceeding:

a) The somatic and genetic effects of radiation releases, during normal operation, to restricted and unrestricted areas, said releases being within the guidelines and/or requirements of 10 CFR Part 20, and Appendix I to 10 CFR Part 50;

b) The health effects of the uranium fuel cycle, given the release values of the existing Table S-3 of 10 CFR Part 51. (Should the Commission modify Table S-3 prior to the litigation of this contention, the Board will entertain motions from any of the parties respecting modifications to this contention.)

Under the Board's Orders of December 30, 1980 and March 9, 1981, there is doubt whether Intervenor Bursey will present a direct case, and if so, what that case would comprise.

At least two of the issues can be simplified, in our view. First, the financial/decommissioning contention claims that Applicants have underestimated the costs of decommissioning (Contention A2). The only specific dollar amount given by Intervenor as a plausible estimate of the cost of decommissioning is \$26.9 million (March 30, 1978 Prehearing Conference Tr 77; June 13, 1978 Deposition of Brett Allen Bursey, Tr 82-87). Although the Intervenor indicated this figure to be toward the low end of a spectrum, no higher estimate has been documented by Intervenor. The Applicants' current estimate of up to \$70 million (December 30, 1980 Response to Staff financial questions 2 and 3) is manifestly greater than \$26.9 million and should render that portion of the contention moot. Thus, the contention can be simplified by dropping that portion. Second, the seismic contention claims that seismological monitoring should continue at least one year after the pumped storage reservoir is filled (Contention A4), and such monitoring has in fact taken place for longer than one year and continues. As the matter now stands, monitoring will continue until the end of 1982 at which time an evaluation will be made to determine if it should be continued (January 30, 1981 letter, T. C. Nichols to H. R. Denton), so that this portion of the seismic contention has become moot. Accordingly, the contention should be simplified by dropping the monitoring aspect.

Pleadings

Simplification of two contentions has been discussed above.

Stipulations and Admissions

It appears that there is no issue as to the financial qualifications of the Authority. Accordingly, we would propose that it be stipulated that if a duly qualified financial witness for the Authority were to appear and testify, he would adopt the material applicable to the Authority contained in the application and in responses to staff financial questions, and that any examination of such witness be waived. We would expect to propose similar treatment as to NRC financial testimony when the relevant supplement to the SER is issued.

As to the contents and authenticity of documents, we would propose to bring copies of the principal documents expected to be offered as Applicants' exhibits to the prehearing so that they can be initialed as authentic and preserved for later introduction.

Witnesses

We understand from Staff comments that it will be prepared to identify its witnesses on April 7. As to Intervenor Bursey, he has no present right to present witnesses, but if that changes, he should be required to discuss that matter prior to the prehearing.

Applicants' direct witnesses who would discuss the areas covered by Intervenor Bursey's contentions and the two Board questions noted above are listed below. Obviously,

the listing cannot include witnesses who may be produced to respond to Board questions, based on limited appearance statements or otherwise, nor rebuttal witnesses, if any (in any event we do not know whether there will be any direct evidence to rebut). Moreover, summary decision could eliminate the need to produce certain witnesses.

Applicants' witnesses by contention or question, are as follows:

Contention A2
Financial Qualifications/Decommissioning

Oscar Wooten, SCEG
Doug Warner, SCEG

Contention A3
ATWS

Robert Stitler, Westinghouse
Carl Price, SCEG

Contention A4
Seismicity

Sheldon Alexander
Penn State University

Contention A8
Emergency Plans

Kenneth Beale, SCEG

Contention A9
QC

Esca Crews, SCEG
Dan Nauman, SCEG

Contention A10
Health Effects

Leonard Hamilton, M.D.
James W. Reitnauer, Gilbert Associates
James Barker, Ph.D., SCEG (as to Board
question re: maintenance and occupational
exposures)

Management Attitudes & Organizational Matters

Thomas C. Nichols, SCEG

Esca H. Crews, SCEG

Hydrology

M. B. Whitaker, SCEG

Other Expected Witnesses

In connection with Board management/organization questions, as well as other matters, we would expect to call Mark Whitaker of SCEG and have available other witnesses including the plant manager, Ollie Bradham. There may be an additional subsidiary witness (or witnesses) on Contention A10. As he or they are identified, we shall notify the Board and Parties.

Schedule and Order of Procedure

The hearing has been scheduled to begin June 22, 1981, and to continue on regular business days not beyond July 2, 1981 by agreement of the parties as previously reported in the conference call of February 27, 1981. Assuming that Mr. Bursey has no direct case, Applicant would go first and staff second. Assuming that Mr. Bursey has a direct case on one or more matters, he would go first on that matter, Applicant second and Staff last. For orderly development of the record, it would be best to take the issues one at a time and complete the direct and cross of all parties on that issue before proceeding to another issue. In most cases, we would, in the interest of time and the development of a complete record, put on witnesses on a particular issue and make them available for cross as a panel. In some

cases, it may be most expeditious to make Staff and Applicant panels available for examination simultaneously.

Other Matters

We continue to believe that it would be useful to obtain (a) estimates of the time required for oral direct and cross-examination, (b) identification of documents to be used, including those for cross, and (c) an expedited posthearing schedule with simultaneous proposed findings.

Untimely Petition to Intervene

If the Board has not already ruled on the late filed petition of Fairfield United Action by April 7, then the matter should be resolved at the prehearing conference.

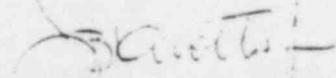
Staff Comments

The NRC Staff has proposed in its comments dated March 20, 1981 that the Board set a final date by which Intervenor Bursey may seek relief from the sanction imposed by the Board (after his repeated noncompliance with Board orders dating back to 1977) in its Orders of December 30, 1980 and March 9, 1981. We endorse the Staff's proposal for a deadline, given the March 9, 1981 Order, while taking exception to the allowance of any further additional time for Mr. Bursey to remedy his default.

We also subscribe to the Staff view that it may be appropriate to invite limited appearances at the evidentiary hearing from persons who might have been witnesses had

information on their testimony been made timely available
and who have views which they wish the Board to consider.

Respectfully submitted,



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DEBEVOISE & LIBERMAN

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