

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:

South Carolina Electric and
Gas Company, et al.

Virgil C. Summer Nuclear
Station

Docket No. 50-395

June 2, 1981



INTERVENOR BURSEY'S RESPONSE TO STAFF MOTIONS
FOR SUMMARY DISPOSITION OF CONTENTIONS 2,3, and 4(b)

Intervenor Bursey hereby opposes the NRC Staff Motion for Summary Disposition of Intervenor's Contention 2,3, and 4 (b).

CONTENTION 2: I have attached Dr. Ruoff's response in support of my contention 2 (financial qualifications). Dr. Ruoff clearly raises issues of material fact that will necessitate evidentiary hearings on contention 2. The attached affidavits by Dr. Ruoff sets forth factual matters to be resolved in evidentiary hearings on contention 2.

CONTENTION 3: The Applicant's own affiant, Robert Steitler, stated that the applicant's facility is readily adaptable to ATWS mitigation equipment. The generic ATWS hearings are not an assurance that the Summer Plant will be retrofitted with ATWS mitigation equipment. The intervenor's interest in the ATWS question can only be fully protected by evidentiary hearings by this board.

CONTENTION 4b: The attached Intervenor FUA's response in opposition to NRC Staff Motion for Summary Disposition of Contention 4(b) raises issues of material fact that necessitate evidentiary hearings.

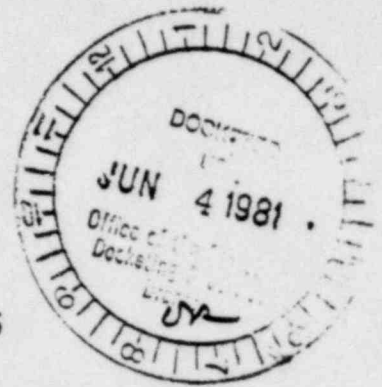
Brett Bursey
Brett Bursey
Intervenor

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter

SOUTH CAROLINA ELECTRIC & GAS
COMPANY

Virgil C. Summer Nuclear Station,
Unit 1

Docket No. 50-395

CERTIFICATE OF SERVICE

I hereby certify that copies of "Intervenor Bursey's Response to Staff Motions For Summary Disposition of Contentions 2,3 and 4(b), were served on the following persons by deposit in the U.S. Mail on June 2, 1981.

Herbert Grossman, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 *

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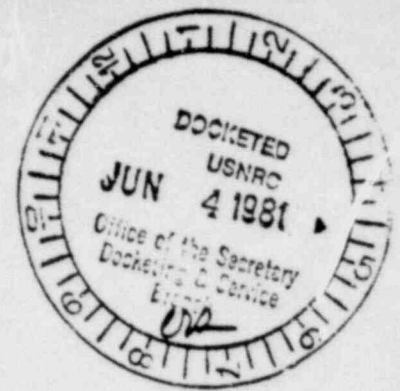
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 *

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

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 *


Intervenor

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of:

SOUTH CAROLINA ELECTRIC AND GAS
COMPANY, et al.

(Virgil C. Summer Nuclear Station,
Unit 1)

Docket No. 50-395 OL

May 27, 1981

INTERVENOR FUA'S RESPONSE IN OPPOSITION TO
NRC STAFF MOTION FOR SUMMARY DISPOSITION
OF INTERVENOR BRETT A. BURSEY'S CONTENTION 2

Intervenor Fairfield United Action (FUA) hereby opposes the NRC Staff Motion for Summary Disposition of Intervenor Brett A. Bursey's Contention A2 regarding the financial qualifications of the Applicants safely to operate and decommission the V.C. Summer Nuclear Station.

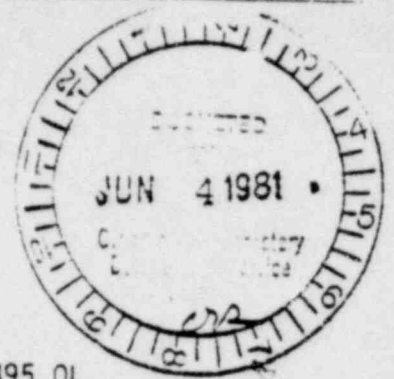
As set forth in the attached Statement of Material Facts to which There is Genuine Issue and affidavit, genuine issues of material fact which should be litigated before the Board exist.

Moreover, Intervenor FUA maintains that further evidence regarding the issues set forth in Contention A2 exist under the control of the Applicants, especially more recent financial information on the Applicant South Carolina Public Service Authority. FUA is thus unable adequately to address the genuine issues of material fact on this contention as they pertain to the South Carolina Public Service Authority. Consistent with 10 CFR 2.749(c), the enclosed affidavit sets forth those factual matters. FUA urges the Board either to refuse to grant summary disposition or to grant FUA a continuance until such time as Applicant South Carolina Public Service Authority makes current financial and operating data available to FUA.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of:
SOUTH CAROLINA ELECTRIC AND GAS
COMPANY, et al.
(Virgil C. Summer Nuclear Station,
Unit 1)

Docket No. 50-395 OL

May 27, 1981

AFFIDAVIT OF JOHN C. RUOFF
CONCERNING THE FINANCIAL QUALIFICATIONS OF THE APPLICANTS

My name is John C. Ruoff and my professional qualifications can be found in Attachment A.

The purpose of this review is to examine Contention A2 of Intervenor Brett A. Bursey in the above-captioned proceeding:

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 is grossly inadequate and does not conform to the requirements of 10 CFR § 50.33(f).

As part of this review, I have also examined the Applicants' Response to Request for Additional Financial Information (December 31, 1980) and the NRC Staff's Safety Evaluation Report, Supplement 1, Section 20 (SSER).

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of:

SOUTH CAROLINA ELECTRIC AND GAS
COMPANY, et al.

(Virgil C. Summer Nuclear Station,
Unit 1)

Docket No. 50-395 OL

May 27, 1981

INTERVENOR FUA'S RESPONSE IN OPPOSITION TO
NRC STAFF MOTION FOR SUMMARY DISPOSITION
OF INTERVENOR BRETT A. BURSEY'S CONTENTION 4b

Intervenor Fairfield United Action (FUA) hereby opposes the
NRC Staff Motion for Summary Disposition of Intervenor Brett A. Bursey's
Contention 4b:

The plans for monitoring site seismicity are inadequate
in that they do not consider the seismic effect of filling
the reservoir. Monitoring of site seismicity should con-
tinue through 1983.

Since the construction permit stage, the impacts of reservoir-
induced seismicity on the safe operation of the Summer Station have been
of considerable concern. Monitoring of that seismicity has been carried
out and continues. The Advisory Committee on Reactor Safeguards (ACRS)
and its consultants reviewed that monitoring program.

In its March 18, 1981, ^{1/} letter report stated that "the Applicant
has, at NRC request, agreed to continue seismic monitoring for at least
the next two years" (emphasis added). That would take the monitoring
program to at least March of 1983. The ACRS letter report further urges

^{1/} NRC Staff Motion for Summary Disposition, at p. 16, erroneously
dates this letter report as March 18, 1980.

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