



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 20, 1982

C. Jean Shoemaker
Secretary to the Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

In the Matter of
SOUTH CAROLINA ELECTRIC & GAS COMPANY
(Virgil C. Summer Nuclear Station, Unit 1)
Docket No. 50-395

Dear Ms. Shoemaker:

This is to advise the Appeal Board that the NRC Staff does not intend to file exceptions to either the Licensing Board's July 20, 1982 Partial Initial Decision (PID) and attached Appendix or August 4, 1982 Supplemental PID in the referenced proceeding. Lest the Staff's silence with regard to the Appendix to the July 20, 1982 PID be misconstrued, however, the Staff's determination not to except to the Appendix does not imply that the Staff agrees with the Licensing Board's representations and characterizations therein. While the Staff believes that the Appendix does not correctly characterize revisions in elements of the Staff's seismic position in this proceeding and gives the erroneous impression that such revisions were attributable to the Licensing Board's decision to retain independent seismic consultants, the Staff has chosen not to appeal because the Appendix does not constitute a part of the actual opinion in the case and is not necessary or material to the Licensing Board's findings and decision on the merits of the seismic issues. See Duke Power Company (Cherokee Nuclear Station, Units 1, 2 & 3), ALAB-482, 7 NRC 979, 980 and ALAB-478, 7 NRC 772, 773 (1978).

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven C. Goldberg".

Steven C. Goldberg
Counsel for NRC Staff

cc: Service List

DESIGNATED ORIGINAL

Certified By

A handwritten signature in cursive script, appearing to read "DSG", written over a horizontal line.

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