

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,<sup>1/</sup> 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

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<sup>1/</sup> NRC Staff Motion for Summary Disposition, at p. 16, erroneously  
dates this letter report as March 18, 1980.

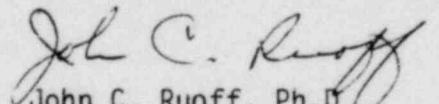
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"that the Staff assure that the monitoring program is not halted prematurely" (Ibid., p. 2). The ACRS was apparently mistaken in its understanding of the agreement reached between the Staff and the Applicant calling for monitoring only until the end of 1982 (Staff affidavit of William F. Kane on Contention 4(b); Safety Evaluation Report § 2.5.3). However, a full reading of the ACRS letter indicates a concern about premature termination of the monitoring program and an understanding that that program would continue beyond the end of 1982.

Thus, as argued above and set forth in the attached Statement of Material Facts to Which There Is Genuine Issue To Be Heard, genuine issues of material fact exist regarding the appropriate date to which to minimally require continuance of seismic monitoring activities at the Summer Station.

Therefore, Intervenor FUA urges the Board to dismiss the NRC Staff Motion for Summary Disposition of Intervenor Bursey's Contention 4(b).

Respectfully submitted,

  
John C. Ruoff, Ph.D.  
Authorized Representative

For Intervenor  
Fairfield United Action

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INTERVENOR FUA'S  
STATEMENT OF MATERIAL FACTS TO WHICH THERE IS GENUINE ISSUE  
TO BE HEARD REGARDING INTERVENOR BRETT A. BURSEY'S CONTENTION 4b

1. The Advisory Committee on Reactor Safeguards (ACRS), in its letter report of March 18, 1981, assumed that monitoring of the seismicity at the Summer Station site would continue at least into 1983.
2. The Staff analysis in the Safety Evaluation Report (SER) states that "there is no reason to believe that the largest earthquake induced by the Monticello Reservoir has already occurred . . . " (p. 20-3).
3. The ACRS consultants on seismicity commented during hearings in Columbia on February 26, 1981, that there was insufficient data available from the monitoring already conducted to confidently draw conclusions. (ACRS, Subcommittee on Electric Power, Transcript, February 26, 1981, pp. 297-305.)
4. Seismic events at other reservoirs, such as Clark Hill Reservoir (8/2/74), Lake Jocassee (8/25/79), and Oraville, California, only occurred several years after filling.

5. There is considerable justification to impose an absolute requirement to continue monitoring at least through 1983.



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AFFIDAVIT OF SERVICE

PERSONALLY appeared before me, John C. Ruoff, who duly affirmed that copies of INTERVENOR FUA'S RESPONSE IN OPPOSITION TO NRC STAFF MOTION FOR SUMMARY DISPOSITION OF INTERVENOR BRETT A. BURSEY'S CONTENTION 2, INTERVENOR FUA'S STATEMENT OF MATERIAL FACTS TO WHICH THERE IS GENUINE ISSUE TO BE HEARD RESPECTING INTERVENOR BRETT A. BURSEY'S CONTENTION 2, AFFIDAVIT OF JOHN C. RUOFF CONCERNING THE FINANCIAL QUALIFICATIONS OF THE APPLICANTS, INTERVENOR FUA'S RESPONSE IN OPPOSITION TO APPLICANTS' MOTION FOR SUMMARY DECISION ON INTERVENOR BRETT A. BURSEY'S CONTENTION A10 REGARDING HEALTH EFFECTS, INTERVENOR FUA'S STATEMENT OF MATERIAL FACTS TO WHICH THERE IS GENUINE ISSUE TO BE HEARD RESPECTING INTERVENOR BRETT A. BURSEY'S CONTENTION A10, INTERVENOR FUA'S RESPONSE IN OPPOSITION TO NRC STAFF MOTION FOR SUMMARY DISPOSITION OF INTERVENOR BRETT A. BURSEY'S CONTENTION 4b, INTERVENOR FUA'S STATEMENT OF MATERIAL FACTS TO WHICH THERE IS GENUINE ISSUE TO BE HEARD REGARDING INTERVENOR BRETT A. BURSEY'S CONTENTION 4b in the above-captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid, this 27th day of May, 1981.

Herbert Grossman, Esq.  
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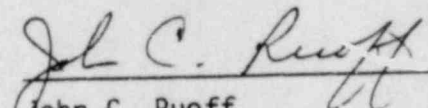
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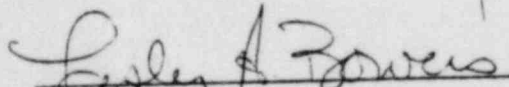
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\_\_\_\_\_  
John C. Ruoff

AFFIRMED and subscribed to before me  
this 27 day of May 1981.

 (L.S.)  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 1/29/90