

Date: April 21, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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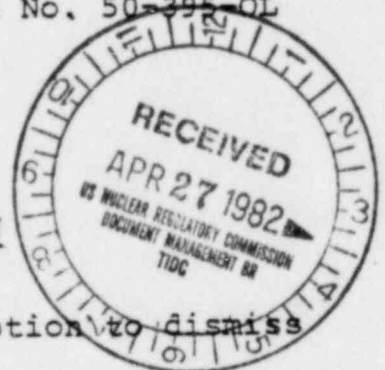
In the Matter of:

SOUTH CAROLINA ELECTRIC & GAS  
COMPANY, et al.

(Virgil C. Summer Nuclear  
Station, Unit 1)

Docket No. 50-395-OL

APPLICANTS' RESPONSE IN SUPPORT  
OF STAFF MOTION TO DISMISS CONTENTION



On April 7, 1982, the NRC Staff filed a motion to dismiss Intervenor Bursey's Contention A2 in this proceeding relating to financial qualifications, including decommissioning costs. The basis for the Staff's motion is the Commission's elimination of financial qualifications (including decommissioning costs) as an issue in, inter alia, pending operating license proceedings. 47 Fed. Reg. 13750 (March 31, 1982).

It should be pointed out that the record reflects (see, e.g. SER Supp. 1 §20.2) that each of the applicants, South Carolina Electric & Gas Company and South Carolina Public Service Authority, is an "electric utility" within the meaning of 10 C.F.R. §§2.4(s) and 50.2(x) as used throughout the amendments, e.g. in Appendix A of 10 C.F.R. Part 2, §VII(b)(4) and in 10 C.F.R. §50.57(a)(4). It may also be noted that the Statement of Considerations accompanying the final rule reflects (at "IV Conclusion") that "... the rule will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. . .".

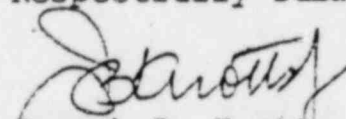
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In light of the final rule, the accompanying Statement of Considerations, the status of the applicants as electric utilities, and the guidance of the Appeal Board decision cited by the Staff,<sup>1/</sup> it appears that the Board should dismiss the contention.

For the foregoing reasons, Applicants support the Staff motion to dismiss Contention A2.

Respectfully submitted,



Joseph B. Knotts, Jr.  
Attorney for Applicants

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<sup>1/</sup> Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-671, 14 NRC \_\_\_\_, March 31, 1982).

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response in Support of Staff Motion to Dismiss Contention" in the above captioned matter, were served upon the following persons by deposit in the United States mail, first class postage prepaid this 21st day of April, 1982.

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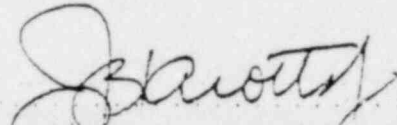
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