

# Campaign for a Prosperous Georgia

PO Box 7302, Atlanta, Georgia 30357

DOCKETED  
JUL 30 1984

'84 JUL 30 P12:47

## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

### BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER CO.  
et al.

(Vogtle Electric Generating Plant,  
Units 1 and 2)

Docket Nos. 50-424 and 50-425 O.L.

### Response to Licensing Board Inquiry Concerning Seismic Contention

Campaign for a Prosperous Georgia hereby submits this response to the letter dated July 12, 1984 from Morton B. Margulies, Chairman of the Atomic Safety & Licensing Board, to Robert G. Perlis, Esq., Counsel for the NRC staff, inquiring as to whether the study entitled NUREG/CR-3756, Seismic Hazard Clarification of the Eastern United States: Methodology and Interim Results for Ten Sites (April 1984) constitutes "substantial new information" to lead to a redetermination of the adequacy of the seismic design of Plant Vogtle.

Contention CPG-5 states in part, "The applicant has not properly assessed the geology of the site and has not properly considered the geology of the site in the engineering design of the project, especially in light of new data made available by the U.S. Geologic Survey." The basis for this contention quotes a USGS letter to the NRC which says that "after several years of intensive study in the Charleston region, no geologic structure or feature can be identified unequivocally as the source of the Charleston earthquake." (letter from James F. Devine, Assistant Director for Engineering Geology, USGS, to Robert E. Jackson, Chief, Geosciences Branch, Division of Engineering, NRC, dated November 16, 1982)

This USGS letter prompted Board Notification--USGS Position on the Charleston Earthquake (Board Notification 82-122A), which in turn resulted in NUREG/CR-3756,

B408010253 B40726  
PDR ADDCK 05000424  
PDR

DS03

664  
cited by the ASLB. The applicant failed in its application to discuss either the substance of the USGS letter or the fact that the NUREG study had been undertaken. Applicant also failed to disclose in its application that Mr. Ruble Thomas, vice president for nuclear services for Southern Company Services, is a member of the Seismicity Owners' Group, which is financing an industry study of levels of seismic hazard on the eastern seaboard. Results of this study are expected in 1985, according to a recent article in Nuclear Industry magazine (Attachment 1).

It is clear that the report cited by ASLB constitutes substantial new information requiring a reevaluation of the seismic qualifications, as requested in Contention CPG-5. At the Construction Permitting stage of the proceedings, the NRC stated:

"Of particular significance to any site in the Southeastern United States is the tectonic feature that is responsible for the seismic activity in the vicinity of Charleston, South Carolina, including the very large 1886 Charleston earthquake. This activity is believed to be associated with a specific structural anomaly that is confined to the area in the vicinity of Charleston." This was apparently the basis for the staff's agreement to the applicant's seismic design at the time of the construction permitting. (response to FOIA request, Bell, May 23, 1983, Attachments 2 and 3).

This compares with the later USGS position (in the letter cited above):

"...no geologic structure or feature can be identified unequivocally as the source of the 1886 Charleston earthquake."

USGS then goes on to state in the Devine letter:

"Although the probability of strong ground motion due to an earthquake in the eastern seaboard may be very low, deterministic and probabilistic evaluations of the seismic hazard should be made for individual sites in the eastern seaboard to establish the seismic engineering parameters for critical facilities."

The NRC's Executive Director for Operations acknowledged that this is substantial new information in his November 19, 1982 memorandum to the Commissioners on "Clarification of U.S. Geological Survey Position Relating to Seismic Design Earthquakes in the Eastern Seaboard of the United States," page 1:

"For the purpose of licensing of facilities in the Southeastern U.S., the NRC

has taken a position, based primarily on the advice of the U.S. Geological Survey (USGS), that any reoccurrence of the 1886 Charleston, S.C. earthquake (Modified Mercalli Intensity (MMI) X, estimated Magnitude about 7) would be confined to the Charleston area."

The seismicity experts who participated in the preparation of NUREG/CR-3756 varied widely in their conclusions as to the hazards at the Vogtle site. As stated in the report,

"The spread exhibited by the seismicity experts is rather large (a factor of 12 to 15 at low PGA [Peak Ground Acceleration] and 50 to 70 at high PGA between the lowest and the highest BEHC [Best Estimate Hazard Curve] of experts 2 and 12)." (p. 168, Attachment 4)

Clearly, so wide a disparity among experts--a factor of up to 70--constitutes dramatic new information which merits further investigation by the Licensing Board. The information provided in this report is highly technical, and Campaign for a Prosperous Georgia has of course not had sufficient time to hire an expert seismologist to review it; we hereby retain our right to submit further response in the future if we deem it necessary following review by such an expert. But even without detailed expert review, the existence of new information and the need for reevaluation is clear as demonstrated by the disparity of expert opinion cited above--a disparity not existing at the construction permitting stage.

The Nuclear Regulatory Commission itself has recognized the need for reexamination. NUREG/CR-3756 constitutes the first stage in the Commission's reexamination. In addition, according to a brief Associated Press story, the NRC has hired two University of South Carolina professors to study the seismology of the area; one of them stated, "Despite ten years of U.S. Geologic Survey studies in the area, there is still great uncertainty about when and where earthquakes are likely to occur." (Augusta Chronicle, January 8, 1984, p. 9B)

The Commission's Office of Nuclear Regulatory Research further acknowledged the need for additional study following NUREG/CR-3756 when, on May 7, 1984, through its Division of Contracts, it issued a Request for Proposal on "Charleston Earthquake Research Program." This was described as follows:



"The contractor shall develop geophysical and geological information that will identify and differentiate the range of theories that may help explain the course of seismicity near Charleston, South Carolina.." (Attachment 5, Weekly Information Report, Division of Contracts, Week Ending May 11, 1984)

As this Board is aware, it is not the burden of the intervenor, at this point, to prove the merit of its contention (Alabama Power Company, Joseph M. Farely Nuclear Plant, Units 1 and 2, ALAB-183, 7 AEC 210, 216, 1974). The petitioner is not required to detail the evidence which will be offered in support of the contention (Mississippi Power Company, Grand Gulf Nuclear Station, Units 1 and 2, ALAB-130, 6 AEC 423, 426, 1973). Instead, the contentions must be sufficiently detailed "(a) to demonstrate that the issues raised are admissible and further inquiry into the matter is warranted and (b) to put the parties on notice as to what they will have to defend against or oppose." (Washington Public Power Supply Systems, et al., WPPSS, Nuclear Project No. 3, ASLBP No. 83-486-01 OL, September 27, 1983) In this last case, the Licensing Board's ruling on a question of seismic capability is directly to the point:

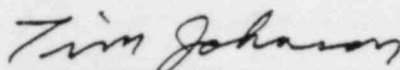
"We find the proposed contention to be supported by an adequate basis to be litigable...The method of assessing site seismology was shown to be open to question. System may well be able to provide the answer to satisfy the criticisms. Until it is done, the assessment, involving a matter that can be vital to health and safety, is not adequately justified. The issue must be resolved on the record before a final determination can be made. Further inquiry into the matters raised is fully warranted." (p. 24, Attachment 6)

Sufficient new information is available to raise significant unresolved questions that merit adoption of CPG-5 (as amended) as a litigable contention. These questions have been raised by the USGS letter, by NUREG/CR-3756, by the hiring of University of South Carolina professors to study the situation, by the participation of the applicant in an ongoing industry study on the issue and by RFP No. RS-RES-84-128 (Attachment 5, the request for proposal cited above) to require resolution on the record before a final determination can be made. The applicant may well be able to resolve these questions to the satisfaction of the intervenors and the Board. However, "until it is done, the assessment, involving a matter that

can be vital to health and safety, is not adequately justified. Further inquiry into the matters raised is fully warranted."

July 26, 1984

Respectfully submitted,

A handwritten signature in cursive script that reads "Tim Johnson". The signature is written in dark ink and is positioned above a horizontal line.

Tim Johnson  
Executive Director

Campaign for a Prosperous Georgia  
175 Trinity Ave. SW  
Atlanta, Georgia 30303  
(404)659-5675

## Understanding an 1886 Quake

# New Seismic Concern Assessed

What began as a "Dear Bob" letter late in 1982 from an official of the U.S. Geological Survey (USGS) to a colleague in the Nuclear Regulatory Commission has set in motion a 15-month, \$3.1 million research program, largely underwritten by utilities which have nuclear power plants operating or being built east of the Rocky Mountains.

That one-page letter of Nov. 18, 1982 spurred the industry to get itself into a strong technical posture, just in case that program and a companion one mounted by NRC indicates that changes may be required in the seismic design basis for plants east of the Rockies. Such a determination could involve a costly outlay some years hence if upgrading is needed to satisfy a more stringent licensing regime.

The letter dealt with an earthquake that caused vast damage to Charleston, S.C. in 1886. Experts are far from certain what produced that quake, and for years they have been uneasy with the assumption that any future major seismic activity would occur only in that general area. Their dilemma is a curious exercise in negatives: they have not invalidated that assumption, yet they cannot rule out the possibility that it may be an untenable one.

### AEC Rules

To the regulators, the problem is that the assumption underlies 10 CFR

100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants", developed by the Atomic Energy Commission. It rested on an interpretation years ago by geologists and seismologists that seismic activity was a continuous, "stationary" process—that is, that geographic areas with no historical record of quake activity were thought to have a low potential for quakes in the future, especially big ones. As recently as the end of 1980, the USGS felt that the likelihood "of a Charleston-sized event in other parts of the Coastal Plain and Piedmont is very low."

Now USGS has backed away from that. As James F. Devine, its assistant director for engineering geology, put it in that letter to Robert Jackson, head of the geosciences branch in NRC's engineering division:

"... no geologic structure or feature can be identified unequivocally as the source of the 1886 Charleston earthquake. However, as studies in the Charleston region and elsewhere along the Atlantic margin have progressed, it has become evident that the general geologic structure of the Charleston region can be found at other locales within the eastern seaboard (Appalachian Piedmont, Atlantic Coastal Plain and the Atlantic Continental Shelf).

"Because the geologic and tectonic features of the Charleston region are similar to those in other regions of the eastern seaboard, we conclude

that although there is no recent or historical evidence that other regions have experienced strong earthquakes, the historical record is not, of itself, sufficient grounds for ruling out the occurrence in these other regions of strong seismic ground motions similar to those experienced near Charleston in 1886. Although the probability of strong ground motion due to an earthquake in any given year at a particular location in the eastern seaboard may be very low, deterministic and probabilistic evaluations of the seismic hazard should be made for individual sites in the eastern seaboard to establish the seismic engineering parameters for critical facilities."

### Initial Interest

That letter had long been anticipated. In fact, for years the Advisory Committee on Reactor Safeguards has been something of a catalyst in urging that greater efforts be made to resolve those uncertainties, and early in 1982 its subcommittee on "extreme external phenomena" convened on the issue with experts in the geosciences. In March the five commissioners were alerted by William J. Dircks, executive director for operations, that any "major modifications of the former USGS position could have a significant impact on many eastern U.S. nuclear plant sites."

Acting on the new USGS approach, which an NRC official wrote was "not so much a new under-



standing but rather a more explicit recognition of existing uncertainties," the Commission approved a two-part plan that involves an intensification of research it has funded since the early 1970s. One part deals with a short-term probabilistic assessment using an extensive new seismic hazard study being developed by Lawrence Livermore National Laboratory. The second is a long-term deterministic assessment of the causes of big quakes in the east such as the one at Charleston.

### Methodology Uncertain

A memo from Richard H. Vollmer, director of NRC's division of engineering, notes that there are many hypotheses about the locale of future big quakes there, none of them definitive and all containing a high degree of speculation.

"Probabilistic methods which allow for the consideration of many hypotheses, their associated credibilities, and the explicit incorporation of uncertainty are much better equipped to provide national frameworks for decisionmaking," he noted. "The question that needs to be answered is:

"Taking uncertainties into account, have licensing decisions for plants in the eastern seaboard (i.e., in the region affected by the USGS clarified position on the Charleston Earthquake) resulted in acceptable levels of assumed seismic hazard (exposure to earthquake ground motion) at the individual sites?"

Industry's response to that question in 1983 was to establish the Seismicity Owners' Group under the direction of Sherwood Smith, chairman and president of Carolina Power & Light Co. This group includes some 45 eastern utilities which are contributing \$2.6 million toward the research program, which is expected to yield results early in 1985. An additional \$500,000 is being provided by the Electric Power Research Institute in Palo Alto, which is acting as technical manager of the project. The Atomic Industrial Forum through its

subcommittee on seismic design bases is acting as the licensing interface between the group and the Commission.

### Industry Effort

A member of the owners' group, Ruble A. Thomas, vice president, nuclear for Southern Company Services Inc., said that industry and NRC are carrying out parallel but independent studies on the question of probability of quakes, and that information is exchanged between them. The concept is to provide industry with a sound methodology, he said, to come up with "regional evaluations of seismicity in the eastern states . . . that will be available for utilities for their use to determine their own seismicity on a probabilistic basis."

He said that the Commission has not determined how the information gathered by itself and industry will be used in the licensing process, but it is considering modifying its rules to include the probabilistic assessment of quakes as well as the deterministic approach. Like the probabilistic risk assessment of an accident occurring within a nuclear plant, he said, it could be considered without necessarily being a legal requirement or a rule.

An objective stressed by EPRI's program is to set the industry "in a technically strong position to respond to any positions taken by the NRC as a result of the agency's change in position regarding assessment of large earthquakes in the east."

### Experts Needed

The program will involve six or seven teams of experts—small teams of two or three persons—working in several regions east of the Rockies. An EPRI source, noting that contracts have been let and work has been in progress since late 1983, said one difficulty has been in recruiting qualified experts who can devote long stretches of time to such a project, especially during an academic year.

Specific parts of the overall objective are:

- Strengthening the seismic hazard methodology;
- Considering a comprehensive set of tectonic models or hypotheses for geologic causes of large earthquakes in the east, and developing the specific application and physical meaning of each for earthquake generation;
- Compiling from existing sources a data base for use in evaluating these hypotheses, a tectonic framework and specific seismic sources;
- Adding a major technical input to the NRC's comparative evaluation of seismic hazard at existing nuclear plant sites;
- Generating broadly based scientific support for the program results;
- Working closely with NRC and its Lawrence Livermore program;
- Identifying additional actions and investigations that could significantly strengthen confidence in the program results and reduce overall uncertainty.

The huge area of uncertainty surrounding the earthquake issue surfaces constantly in talks with NRC, EPRI and industry figures connected with the research programs. It is a cloud, however distant, that lies near the horizon of 70 or more plants in the eastern United States. And the formation of the Seismicity Owners Group is an industry response—less costly and of shorter duration—comparable to the establishment of the Industry Degraded Core Rule-making (IDCOR) program, a \$13.5 million industry project from early 1981 to mid-1984 to develop a technical position on the issue of a severe accident.

But Thomas noted that IDCOR meant "responding to a proposed rule. That's the difference, we're not doing that here. At the same time, it is a professional study on a very complex subject, to try to bring as much professionalism and soundness as you can to the phenomena that you're talking about."

—John Maffre



## Nuclear Information and Resource Service

1346 Connecticut Avenue NW, 4th Floor, Washington, D.C. 20036 (202) 296-7552

May 23, 1984

James M. Felton, Director  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

### FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended, the Nuclear Information and Resource Service requests the following documents regarding the Charleston Earthquake of 1886 and seismic design for the Vogtle nuclear power plant. Please consider "documents" to include reports, studies, test results, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes and summaries of conversations and interviews, computer records, and any other forms of written communication, including internal NRC Staff memoranda. The documents are specifically requested from, but not limited to, the Office of the Executive Legal Director (OELD); Office of Nuclear Regulatory Research (Research); Office of Nuclear Reactor Regulation (NRR); Generic Issues Branch of the Division of Safety Technology, NRR; and the Operating Reactors Branches of the Division of Licensing. In your response, please identify which documents correspond to which requests below.

Pursuant to this request, please provide all documents prepared or utilized by, in the possession of, or routed through the NRC related to:

1. The Millett earthquake fault postulated to exist 7 miles from the Vogtle reactor site (USGS Open File Report No. 82-156);
2. The implications for the siting and seismic design of the Vogtle nuclear plant of the 1886 Charleston earthquake;
3. The development (and any subsequent reanalysis) of a Safe Shutdown Earthquake (SSE) and an Operating Basis Earthquake (OBE) for the Vogtle nuclear plant;
4. Contract No. RS-RES-84-128 "Charleston Earthquake



(Research Program";

(5. All correspondence between USGS and the NRC regarding the Charleston earthquake, the Millett fault or the Vogtle nuclear plant; and

(6. All NRC Staff memoranda or correspondence related to the seismic design and/or siting of the Vogtle nuclear plant.

In our opinion, it is appropriate in this case for you to waive copying and search charges, pursuant to 5 U.S.C. 552(a)(4)(A) "because furnishing the information can be considered as primarily benefiting the general public." The Nuclear Information and Resource Service is a non-profit organization serving local organizations concerned about nuclear power and providing information to the general public.

Sincerely,

Nina Bell  
Nuclear Safety Analyst

cc: File

### 2.5.1 Regional Geology

The site is located in the Atlantic Coastal Plain Physiographic Province, approximately 25 miles southeast of Augusta, Georgia, on the eastern margin of the Tifton upland and adjacent to the Savannah River. The plant will be underlain by Coastal Plain sediments consisting of from 800 to 1000 feet of predominantly clays, sands, limestone, and marl, ranging in age from Cretaceous to Recent. An apparently downfaulted block of Triassic red beds underlies the Coastal Plain sediments. Igneous and metamorphic rocks typical of the Piedmont rocks in turn underlie the Triassic red beds.

Adjacent to and northwest of the Atlantic Coastal Plain Province is the Piedmont Province. The boundary between the two provinces is known as the Fall Line which is approximately 25 miles northwest of the site. Rocks that characterize the Piedmont disappear beneath the Coastal Plain sediments at the Fall Line, but no structurally significant boundary exists.

The deeply buried structural geology beneath the Coastal Plain is not well known. Of particular significance to any site in the Southeastern United States is the tectonic feature that is responsible for the seismic activity in the vicinity of Charleston, South Carolina, including the very large 1886 Charleston earthquake. This activity is believed to be associated with a specific structural anomaly that is confined

to the area in the vicinity of Charleston. Evidence, though limited, seems to indicate that the numerous earthquakes that have occurred in the Charleston vicinity are localized along the deepest part of the northwest trending Southeast Georgia Embayment. The Charleston area is approximately 100 miles east southeast of the site.

The site lies within a northeast trending Triassic Basin, approximately 1 mile southeast of the northeast trending probable fault that forms the northern boundary of the Triassic Basin. We and our U.S.G.S. advisors are of the opinion that any faulting associated with this Triassic Basin does not appear to have been tectonically active since Cretaceous time. Furthermore, there are no other identifiable faults or other young geologic structures in the areas that might be expected to localize seismicity in the immediate vicinity of the site.

#### **1.5.2 Site Geology**

Solutioning of a near surface limestone strata has produced surface depressions throughout the site area. To assure adequate foundation conditions to support the plant structures, the applicant will remove all strata including the soluble limestone strata down to firm, hard, clay-marl at elevation 130. Select sand backfill or lean concrete will be placed from the top of the firm clay-marl bearing strata up to the design elevation of the Category I structures.



#### 4.3.9 Vogtle (VO)

##### 4.3.9.1 General

The Vogtle site is located in the southeast region of the EUS. It is classified as a soil site. For none of the seismicity experts does the site fall into the CZ, but it always falls into a zone associated with the Charleston area.

##### 4.3.9.2 PGA Hazard Curve

Table 4.1 shows that for most of the seismicity experts the dominant zone is a large area surrounding a limited Charleston zone. For Experts 1 and 2 at low PGA levels the small zone with higher magnitude/intensity cutoff dominates; and at higher PGA levels the larger zone, with also a high magnitude/intensity cutoff takes over. For experts 3, 4, 5, 6, 7, 10, 11 and 12, the site is located within a zone of high magnitude/intensity cutoff which dominates the hazard at both low and high PGA levels. In the case of expert 13, the small Charleston zone dominates at low PGA levels by contributing 92% of the hazard. For this expert, high PGA levels the CZ becomes the dominant zone. The CZ has a magnitude cutoff only slightly lower than zone 9 (6.3 versus 6.8 for zone 9) which has a surface area several orders of magnitude greater than zone 9. Figure V01 presents the HC for all experts combined. The spread exhibited by the seismicity experts is rather large (a factor of 12 to 15 at low PGA and 50 to 70 at high PGA between the lowest and the highest BEHC of experts 2 and 12). The BEHC of experts 2 and 12 are the two extremes, although only expert's 12 data leads to an outlier, significantly lower than the other experts, as shown on Fig. V02. This is due in part to the relatively low seismicity and low magnitude cutoffs attributed to the zones at the site and surrounding the site. The dispersion in the hazard estimates represented by the 15th, 50th and 85th percentile curves in Fig. V03 is similar to the dispersion observed for other sites. Note, however, that the BEHC is higher than the 50th percentile (by a factor of 2 to 3).

##### 4.3.9.3 Uniform Hazard Spectra

The BEUHS presented in Fig. V04 for the 5 selected RP's appears to be smooth, without departure at any period. This is due to the very stable shape of the curves obtained for each of the experts, shown in Fig. V05. Figure V05 shows that aside from experts 2 and 12 which appear to be clear outliers for this site, the remaining experts are constrained within a very narrow band of values; typically less than a factor of 3 between the lowest curve in the cluster and the highest curve in the cluster. The same comments apply to Fig. V06. As a result, the uncertainty analysis leads to 15th-50th and 50th-85th intervals in the same range as the ones obtained for the typical sites (i.e. moderate values) instead of much smaller values which could be obtained by removing the outliers or updating the input data of the outliers. The same comments apply for the 1,000 year and 10,000 year RP curves of Fig. V08 and V09. It is also remarkable that for these three cases the BEUHS lies practically on top of the CPUHS.

WEEKLY INFORMATION REPORT  
DIVISION OF CONTRACTS  
WEEK ENDING MAY 11, 1984

IFB ISSUED

IFB No.: RS-ORM-84-386

Title: "Preventive, Remedial and On-Call Maintenance on Data General Computer and Peripheral Equipment"

Description: The contractor shall provide preventive, remedial and on-call maintenance for NRC-owned computers and peripheral equipment located within the Washington, DC metropolitan area.

Period of Performance: Two years

Sponsor: Office of Resource Management

Status: IFB opened on May 3, 1984.

RFP ISSUED

RFP No.: RS-RES-84-128

Title: "Charleston Earthquake Research Program"

Description: The contractor shall develop geophysical and geological information that will identify and differentiate the range of theories that may help explain the course of seismicity near Charleston, South Carolina.

Period of Performance: Two years with one year option

Sponsor: Office of Nuclear Regulatory Research

Status: RFP issued on May 7, 1984. Proposals due on June 7, 1984.

RFP No.: RS-RG1-84-432

Title: "Radiophones"

Description: Purchase of radio-telephone system to assist response team members in Region I's Emergency Operations Facilities. The system is being procured under a two step formal advertising procedure.

Period of Performance: To be determined under Step 2

Sponsor: Region I

Status: RFP Step 1 issued on May 8, 1984. Proposals due on June 8, 1984.

CONTRACT AWARDED

Contract No.: -NRC-04-84-120

Title: "Scientific and Engineering Assistance and Services"

Description: The contractor shall make available uniquely qualified individuals for service on specific technical reviews and/or peer review committees as the NRC requirements are identified. The contractor shall develop a list of these specialists with NRC concurrence so that they may be available to NRC on a timely basis, as their services are needed.

Period of Performance: Three years

Sponsor: Office of Nuclear Regulatory Research

Status: A cost plus fixed fee task order 8(a) contract awarded to SBA: Engineering and Economic Research, Inc. in the amount of \$349,167.00 effective May 2, 1984.

MAY 11 1984

ENCLOSURE A

DOCKETED  
USNRCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'83 SEP 27 AM 1:52

Before Administrative Judges:  
Morton B. Margulies, Chairman  
Frederick J. Shon  
Dr. Richard F. FosterOFFICE OF THE  
DOCKETING & SERVICE  
BRANCH

SERVED SEP 27 1983

In the Matter of

WASHINGTON PUBLIC POWER SUPPLY  
SYSTEMS, ET AL.

(WPPSS, Nuclear Project No. 3)

Docket No. 50-508

ASLBP No. 83-486-01 OL

September 27, 1983

MEMORANDUM AND ORDER  
(Ruling on Proposed Contentions)

By Memorandum and Order of April 21, 1983, this Licensing Board found that petitioner Coalition For Safe Power (Coalition) satisfied the interest and standing requirements of 10 CFR 2.714 for intervention in the proceeding but required the submission of a litigable contention for it to be admitted as a party intervenor.

Coalition filed a supplement to its petition on June 15, 1983 containing 17 proposed contentions. On July 6, 1983 Applicant, Washington Public Power Supply System (Supply System) responded objecting to the admissability of all proposed contentions. Nuclear Regulatory Staff (Staff), in its answer of July 11, 1983 concluded 12 of the proposed contentions to be inadmissible, with the remainder litigable in whole, in part or combined.



or "has not justified its position." It claims the letter transmits a series of questions to be asked of the licensee regarding its analysis, similar to the hundreds of questions any Applicant must answer from the Staff (Tr. 77).

We find the proposed contention supported by an adequate basis to be litigable. The letter details areas that the evaluation did not show were considered. The method of assessing site seismology was shown to be open to question. Supply System may well be able to provide the answer to satisfy the criticisms. Until it is done, the assessment, involving a matter that can be vital to health and safety, is not adequately justified. The issue must be resolved on the record before a final determination can be made. Further inquiry into the matters raised is fully warranted. Petitioner has satisfied the requirements for submitting a litigable contention.

Proposed Contention Sixteen:

Petitioner contends that the Applicant has underestimated the cost of WNP-3 operation in the cost-benefit analysis required by 10 C.F.R. Section 51.21 in that Applicant had underestimated the effects of WNP-3 operation on aquatic biota of the Chehalis River.

The admissibility of the proposed contention has been stipulated to by the Applicant, Staff and Petitioner (Exhibit 1). We also find the proposed contention meets the requirements of 10 CFR 2.714(b).

Schedule For Further Actions

At the conference Applicant advised of its intention to file an appeal from the Licensing Board's rulings in this matter. The participants agreed that at the conclusion of the appeal process, if a

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER CO., et al.

(Vogtle Electric Generating Plant,  
Units 1 and 2)

Docket Nos. 50-~~824~~ and 50-425  
JUL 30 12:47

RECEIVED  
REGULATORY BRANCH

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing Response to Licensing Board Inquiry Concerning Seismic Contention were served by deposit with the U. S. Postal Service in the City of Atlanta for Express Mail delivery to the Licensing Board and for first class delivery to all other parties to this proceeding this twenty-sixth day of July, 1984.

\_\_\_\_\_  
Tim Johnson  
Executive Director

Campaign for a Prosperous Georgia  
175 Trinity Ave. SW  
Atlanta, GA 30303

404-659-5675

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GEORGIA POWER CO., et al.

(Vogtle Electric Generating Plant,  
Units 1 and 2)

}  
}  
}  
}  
}  
Docket Nos. 50-424 and 50-425

SERVICE LIST

Morton B. Margulies, Chairman  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Oscar H. Paris  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Gustave A. Linenberger  
Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Douglas C. Teper  
1253 Lenox Circle  
Atlanta, Georgia 30306

Jeanne Shorthouse  
507 Atlanta Avenue  
Atlanta, Georgia 30315

James E. Joiner  
Sumner C. Rosenberg  
Troutman, Sanders, Lockerman & Ashmore  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303

Atomic Safety & Licensing Appeal  
Board 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

Bernard M. Bordenick, esq.  
Office of the Executive Legal  
Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Carol A. Stangler  
425 Euclid Terrace  
Atlanta, Georgia 30303

Dan Feig  
1130 Alta Avenue  
Atlanta, Georgia 30307

George F. Trowbridge  
Ernest L. Blake, Jr.  
David R. Lewis  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street, N.W.  
Washington, D.C. 20036

Ruble A. Thomas  
Southern Company Services, Inc.  
P. O. Box 2625  
Birmingham, Alabama 35202