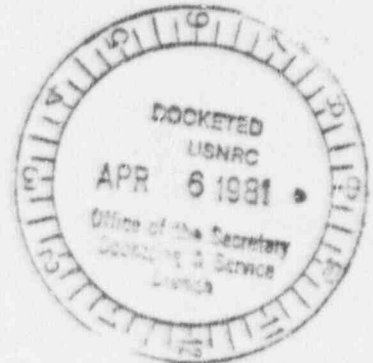


4/3/81



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)

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)  
)  
)  
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Docket No. 50-395 OL

APPLICANTS' ANSWER TO UNTIMELY  
PETITION TO INTERVENE OF  
FAIRFIELD UNITED ACTION, INC.

Pursuant to 10 C.F.R. §2.714(c), Applicants South Carolina Electric & Gas Company ("SCE&G") and South Carolina Public Service Authority ("Authority") (collectively "Applicants") submit this answer to the March 23, 1981 Petition to Intervene of Fairfield United Action, Inc. ("FUA" or "Petitioner").

I. INTRODUCTION AND SUMMARY

The notice of opportunity for hearing in this operating license proceeding was published nearly four years ago. (42 Fed. Reg. 20203, April 18, 1977). The notice provided a thirty-day opportunity to intervene and request a hearing. The petition of FUA is thus some forty-six months late.

In such a circumstance, the showing of good cause must be compelling and the burden of prevailing on a balancing of the other factors pertinent to consideration of untimely petitions listed in 10 C.F.R. §2.714(a)(1)(i)-(v) becomes enormously heavy.

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Puget Sound Power & Light Co. (Skagit Nuclear Power Project, Units 1 and 2), ALAB 559, 10 NRC 162, 172-73 (1979) vacated as moot CLI-80-34, 12 NRC \_\_\_\_ (October 9, 1980). <sup>1/</sup> Moreover, in the case of extremely late petitions such as this one, the most important of the remaining factors in the overall balance is the delay factor. Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3), ALAB 476, 7 NRC 759, 761-62 (1978). Given these standards, we take up in Section II below the matter of whether good cause has been shown, and conclude, having discussed Petitioner's various arguments and the applicable precedents, that it has not. Next, in Section III, we examine the delay factor under the guidance of the prior decisions, and conclude that it weighs heavily against granting the intervention. Then, in Section IV, we consider the remaining factors applicable to late intervention and conclude that they do not outweigh the absence of good cause and the impact of likely delay. In Section V, we briefly discuss contentions, and in Section VI discuss the discretionary intervention doctrine. In Section VII, we turn to the matter of the Board's jurisdiction to

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<sup>1/</sup> The Commission Order of October 9, 1980 made no ruling on the merits, not even on the narrow question, not relevant here, before it. Its previous (unpublished) Order of January 16, 1980 confined Commission review to the narrow issue whether the fact that the late petitioners were American Indian tribes gave them special status. In the January 16, 1980 Order, the Commission denied the tribes' petition for review of the majority opinion in ALAB-559 in the respects in which we rely on the reasoning of that decision, and characterized the majority opinion as "balanced, measured and thoughtful".

entertain antitrust matters.<sup>2/</sup>, and conclude that such jurisdiction is lacking under the applicable authority. Finally, in Section VIII, we give our overall conclusion.

II. Fairfield United Action has not met its Heavy Burden of Establishing Good Cause for Late Filing

FUA makes several arguments to explain their late filing in numbered paragraphs 3 (page 3) and 5 (pages 3-5) of their petition. We respond to each argument below.

A. That "Some of Petitioners' members have only recently moved to Fairfield County" (page 3)

The cases which have addressed this argument conclude that recent acquisition of standing is not, in itself, good cause. Houston Lighting & Power Co. (Allen's Creek Nuclear Generating Station, Unit 1), ALAB-582, 11 NRC 239, 241 (1980); Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1-4), ALAB-526, 9 NRC 122 (1979). In Shearon Harris, the Appeal Board said:

"It may well be that, as has been asserted, [individual petitioner] has not long resided in the general vicinity of the Shearon Harris facility and that the [organizational petitioner] is of recent origin. We agree with the Licensing Board, however, that this explanation for the tardy filing cannot carry the day. If newly

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<sup>2/</sup> Our opposition to the petition does not otherwise turn on factors applicable to timely petitions: the personal interest of at least one member of the organization and the statement of at least one well-pleaded contention. We do not, however, concede either that (a) Fairfield United Action can be taken as representing anyone other than itself and its members who have authorized the petition; or (b) that any basis for standing recited by petitioners other than residence of one or more members in close proximity to the nuclear unit is relevant or valid, such as energy use or preference, customer status, or shareholder status. See, generally, Portland General Electric Company (Pebble Springs, Units 1 and 2), CLI-76-27, 4 NRC 610, 613-14 (1976). Our main point is that petitioners have not diligently pursued and timely asserted their interest, and no longer have the right to be a party that they might well have had earlier.

acquired standing (or organizational existence) were sufficient of itself to justify permitting belated intervention, the necessary consequence would be that the parties to the proceeding would never be determined with certainty until the final curtain fell. Assuredly, no adjudicatory process could be conducted in an orderly and expeditious manner if subjected to such a handicap." (9 NRC 122, at 124).

The argument here is not persuasive in any event, since the members who have more recently moved in have voluntarily associated themselves with persons who have lived in the area for many years.

B. That Petitioner Relied on SCE&G and Others for Information No Longer Believed on Design, Construction, and Operational Effects (page 3)

Petitioners cite no particulars for the startling and serious allegation that they were affirmatively misled by SCE&G or others acting on its behalf. The mere allegation of unspecified fraud cannot be given credence. (See Skagit, infra 10 NRC 162 at 165-67.) Perhaps what petitioners mean to argue is that they have been shaken in their confidence in SCE&G and its contractors by unspecified statements by others regarding the "probable" effects of plant operation. At least in the absence of a recital of specific very recent material facts rather than undocumented opinions to which petitioners' members have been "educated", there is no showing to respond to, much less a persuasive one. Moreover, as the materials in Attachment A tend to show, FUA has long opposed the Summer plant and criticized emergency plans. How they can say they were "relying" on SCE&G is far from clear.



C. That Petitioner Lacked Knowledge of Rights, Remedies and Notice of Hearing

Petitioner contends that its members were unaware in 1977 of their interests, their legal rights, or the Notice of Opportunity for Hearing (page 3) and that, until recently, they were informed and believed they had no right to participate as a party because the deadline had passed in 1977. It is a familiar principle that ignorance of the law excuses no one. The Appeal Board has held that nearby residents will not be allowed to escape the obligation to make diligent inquiry regarding the preconditions for intervention on the ground that they do not read the Federal Register. Houston Lighting & Power Co. (Allen's Creek Nuclear Generating Station, Unit 1), ALAB-574, 11 NRC 7 (1980). Indeed, the Federal Register Act provides:

"A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, [with exceptions not here relevant]".  
44 U.S.C. §1508 (emphasis added)

The Appeal Board did not reach the legal effect of a Federal Register notice of an opportunity for hearing in ALAB-574, supra, but that act must be given effect and petitioner deemed to have received notice of the opportunity to be heard. Likewise, petitioner must be considered to be on notice as to the requirements for intervention in 30 C.F.R. §2.714. See 44 USC §1507.

It is worth emphasizing that would-be petitioners to intervene are held to the obligation, irrespective of actual notice of preconditions for late intervention, to make diligent inquiry when it is shown that they live nearby. It must be presumed that they have been well aware of the nuclear project from their own petition (page 3) as well as from the publicity (see Attachment A) the plant, the NRC proceedings, and FUA's opposition have received.

ALAB-594, supra, 11 NRC at 10-12. Since 1977, there have been at least ninety-nine articles prominently featured in the two newspapers of largest circulation in the four-county area surrounding the plant. (See Attachment A). The observations of the Appeal Board in Skagit, infra, 7-8, regarding the integrity of the adjudicatory process if inexcusably late petitions were to be granted, are also pertinent to the claim that petitioners were unaware of their remedies. A diligent person would, of course, have identified and tested the available remedies, including those under 10 C.F.R. §2.714(a)(1).

D. That Petitioner Believed Until Recently that its Interests were Being Represented by the Existing Intervenor

FUA's next argument (page 4) is that it relied on the existing intervenor, but only recently learned that his participation was potentially quite limited (which, we would add, is because of the imposition of sanctions for failure to comply with Board Orders, against a background of

similar disregard for discovery requirements dating back to 1978 - Memorandum and Order, July 13, 1978, p. 3; Memorandum and Order, October 2, 1978, also p. 3). The existing intervenor, however, disclaimed representation of others (Deposition of Brett A. Bursey, January 13, 1978, Tr. 16).

What the Appeal Board said in Skagit, page 2 supra, in affirming the rejection of an extremely late petition (not as late as the instant one, and not even at the more delay-sensitive operating license state, however) is worth quoting in full:

" . . . we once again must record our belief that the promiscuous grant of intervention petitions inexcusably filed long after the prescribed deadline would pose a clear and unacceptable threat to the integrity of the entire adjudicatory process. See ALAB-552, supra, 10 NRC at 6-7, quoting from Duke Power Company. (Cherokee Nuclear Station, Units 1, 2 and 3), ALAB-440, 6 NRC 642, 644 (1977). More specifically, persons potentially affected by the licensing action under scrutiny would be encouraged simply to sit back and observe the course of the proceeding from the sidelines unless and until they became persuaded that their interest was not being adequately represented by the existing parties and thus that their own active (if belated) involvement was required. No judicial tribunal would or could sanction such an approach and it is equally plain to us that it is wholly foreign to the contemplation of the hearing provisions of both the Atomic Energy Act and the Commission's regulations. Although Section 2.714(a) of the Rules of Practice may not shut the door firmly against unjustifiably late petitions, it assuredly does reflect the expectation that, absent demonstrable good cause for not doing so, an individual interested in the outcome of a particular proceeding will act to protect his interest within the established time limits." (10 NRC 172-73 (footnotes omitted)).

E. That Petitioner is Informed That Significant  
Regulatory Changes Since the TMI Accident Expand  
the Remedies Available and as to those Matters  
Constitute Good Cause (page 4)

Petitioners' claim that new regulatory requirements expand its remedies is general and not specific. It suggests that all it need do is invoke the incantation, "TMI", and that good cause will be found. But petitioner must show what it was that it wished to raise but could not have raised before new substantive requirements were adopted, that such relate to this proceeding, when the new requirements were adopted, and if there is a substantial intervening period, furnish a compelling explanation for failure to act since the time of adoption. Compare the decision of the Licensing Board in Cincinnati Gas & Electric Co., et al. (Wm. H. Zimmer Nuclear Station) LBP-80-14, 11 NRC 570 (June 1980). 3/ There the Licensing Board was persuaded by petitioners' reliance on two sets of requirements each of which was the subject of major substantive regulatory developments during the previous month, culminating a flurry of activity in the immediately preceding months. (11 NRC 570, 573-74). Here, petitioner has not articulated a reasonable basis for good cause based on specific, very

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3/ That decision has not been the subject of appellate review on the merits (11 NRC 860, 862 n.4, 866 n.17) and we do not necessarily consider it correctly decided. It is not binding on this Board. In any event, it is distinguished in the text.

recent, applicable requirements, diligently and timely asserted, which for the first time permit pursuit of significant matters previously foreclosed to petitioner. Another factor which evidently led the Zimmer Board to tip the balance in favor of the petitioner there was the delay factor, discussed infra in Section III. Suffice it to say that there, the hearing sessions on the matters relied on as good cause by the petitioner were not scheduled to begin until about eight months later and the overall delay effect was taken to be about a week. (11 NRC 570 at 577-78). Here, as will be discussed below, the entire hearing is scheduled to commence June 22 and to be completed by July 2, 1981 and much more than a mere week is at stake.

F. That Petitioners were Hampered by Absence of a  
Fairfield County Local Public Document Room  
and that they are Informed Richland County  
Document Room is Inadequate (pages 4-5)

The matter of the change in the location of the Commission's Local Public Document Room from the Fairfield County Library to the Richland County Library has been previously raised and addressed in this proceeding. Board Order of July 18, 1977 and NRC Staff letter to Board of July 20, 1977. In the Staff's July 20, 1977 letter, it was pointed out that the Notice of Opportunity for Hearing expressly reflected that the Richland County Library was the Local Public Document Room (42 Fed. Reg. 20203, 20204, April 18, 1977), and the Staff went on to explain the reasons for the change. Our reading of the charges regarding the Richland County Library is that Petitioners do not allege they even attempted to use the facilities, but they are informed



that there are various inadequacies. These described inadequacies are exaggerated according to the personal observations of SCE&G staff. (Attachment B). Insofar as they imply that NRC (with cooperation from the Library and SCE&G) have not made a good faith and reasonably successful effort to keep the materials regarding this application current, complete, and accessible, we do not believe the allegations to be true. Even if it were true that petitioners really attempted to use the facility and experienced some difficulty, it does not explain four years of delay and a failure to raise the matter with NRC (or even SCE&G) much earlier.

### III. The Delay Factor

In cases of very late intervention, the fifth factor specified in 10 C.F.R. §2.714(a)(1), i.e., the extent to which participation by the late petitioner as a party will broaden the issues or delay the proceeding, becomes very important. Greenwood, supra, 7 NRC 761-62. Petitioner asserts (Page 6) that some of its contentions are no broader than issues raised by the existing intervenor. It may be true that several of the contentions relate to the same matters as addressed by Mr. Bursey's contentions, but Petitioner's are broader in scope in most cases and broaden the issues. Petitioner asserts both additional contentions and contentions which greatly expand on the existing ones. As the record now stands, it appears that very substantial delays would be encountered in commencing and concluding the proceeding if one assumes that

Petitioner would be allowed to put on a direct case on its twenty-seven contentions or even some of them. Another source of delay could be Petitioner's discovery, although a late Petitioner must take the case as it finds it and is not entitled to discovery not available to other parties. Petitioner may recognize this and not assert any claim for discovery, consistent with their offer (page 7) to cooperate in measures to expedite the proceeding and minimize delay.

But if Petitioner were to be allowed to put on a direct case, how are Applicants and Staff to be apprised of what they must meet and to prepare for trial? These parties are surely not to be held to an election between discovery with associated delay (and diversion of resources) and a trial by surprise. Moreover, the Board and the existing parties have been able to schedule a two-week hearing in June, with the possibility of perhaps another week in July, but as we understand the schedule of the Board members, they could not take up further hearing sessions until Autumn.

As to hearing time, Petitioners, again, list more than twenty-seven contentions (leaving aside antitrust contentions stated in the body of the Petition which are outside this Board's jurisdiction). We have no way of knowing how many of these would be accepted for hearing, but it is safe to say that this is not a case where the late petitioner has a single witness on a single, limited issue. The Board's own experience must reveal, as does that of the undersigned

counsel, that we are looking at a petition, which, if granted, would add several months to the overall process.

Petitioners also claim that, as to the scope of the proceeding, they would not broaden it much beyond the questions raised by the NRC Staff and the ACRS. Petitioners misapprehend the nature of an operating license proceeding. Unlike a construction permit proceeding, where the Board has to make all of the findings called for by the Commission's regulations and has all matters before it, an operating license board has only to resolve the issues raised by the parties or those which it feels compelled to raise on its own. 10 C.F.R. §2.760a; Consolidated Edison Company of N.Y., Inc. (Indian Point Units 1, 2 and 3), ALAB-319, 3 NRC 188, 19U (1976). Therefore, the questions asked or issues addressed by the NRC Staff or the ACRS are no proper measure of the scope of this proceeding without Petitioner. We do note that many, if not all, of the points raised by Petitioner have been, or will be, addressed and resolved by the NRC Staff consistent with 10 C.F.R. §2.760a.

Finally, Petitioner admits that some delay would inevitably be caused by its belated participation, but submits that, on balance, the delay will not be significant as compared to the benefits to be gained through the development of a sound record and a more "thorough" review. (Pages 6 - 7). We will address the matter of whether Petitioners have made a strong showing of their ability to contribute to the

record below in Section IV. The question of publicly airing issues addressed in the principal documents of record takes us back to the proper scope of an operating license public hearing. The purpose of the presentation of evidence at hearing and the rendering of a decision on contested issues is not to describe and discuss the entire review, but to resolve contested issues timely raised. If ventilation and discussion of concerns is what is sought, the raising of those concerns in statements or lists of questions under §2.715 and the custom of requesting the parties to respond suffices to that end.

Petitioners do not address the matter of the consequential costs of delay except to imply that such are outweighed by the benefits they see in expanding the hearing. However, the costs against which any benefits are to be measured are indeed significant. As shown in the recent letter from SCE&G to the NRC Staff, (Attachment C), SCE&G is working toward plant completion in August of this year. The NRC Staff, based on industry average experience, has not agreed that the plant will be ready to load fuel in August, and has indicated that October is a more likely date. To be conservative and to avoid controversy for this purpose, let us use the October date. If the hearing commences and concludes as presently scheduled (June 22 - July 2, 1981), the last proposed findings will be due fifty days later (unless expedited as we have proposed, and subject to reduction

to forty days if the proposed amendments to Part 2 deleting §2.754(c), issued for comment on March 13, 1981, are adopted). 10 C.F.R. §2.754. Thereafter, the Board would be expected to issue its decision in thirty-five days (10 C.F.R. Part 2, Appendix A, §VI(d)), which is not unreasonable for the few issues presently before the Board. Under the current rule, the license would not issue until about eighty days later, assuming no stays. (10 C.F.R. Part 2, Appendix B, Amendment of which is also under consideration according to a March 31, 1981 notice of proposed rulemaking). Completion of the hearing, post-hearing matters, and the decisional review processes are already on the critical path. Under current rules and guidelines, we are talking about 165 days from the close of the record to license issuance. If the record is closed July 2, and no expedition of the post-hearing schedule comes about by rule or order, it would be about January 2, 1982 before the license issues as against the October date for readiness to load fuel which we have conservatively assumed. With the pending rule changes, and expedited post-hearing, decision, and review schedules, we believe that licensing by late October should be attainable. But if Petitioners take up all of the gains in schedule which would be achieved by hard work by the Board and the parties and through recognition by the Commission that its rules must be applied to avoid or minimize licensing impacts on completed plants, we will be back in January 1982 or even later.



As pointed out in Appendix C, the delay costs to SCE&G and the Authority are \$20,744,667 per month. It must be borne in mind that even an optimistic schedule between fuel loading and commercial operation is six months. Therefore, SCE&G and the Authority would be hard pressed to have the plant available for the heavy demands of the late Spring and Summer months of 1982 unless the licensing process can be completed by the mid to late Fall of 1981.

In short, the "insignificant" delay foreseen by FUA would cost the ratepayers of SCE&G and the Authority over \$40 million, even if that delay were as little as two months, which we consider optimistic, and could easily reach \$124,468,000 for six months.

IV. The Ability to Contribute to a Sound Record, the Availability of Other Means to Protect Interests, and the Extent to Which Existing Parties Will Represent Interests

The three remaining factors are not as significant in the case of very late intervention as they might otherwise be. Skagit, supra, 10 NRC 162, 169, n.10. Even if one were to conclude that Petitioners do not have other forums available for all of their concerns, that existing parties are not likely to fully represent their interests, and that the possibility that they may have some ability to contribute to the record cannot be excluded, the balance does not swing in their favor unless they have made a compelling showing of

good cause and unless the delay factor is relatively insignificant. See Skagit, supra 10 NRC 162, 172. We have shown above that these crucial factors weigh heavily against this late intervention. We now briefly consider the remaining factors.

A. Ability to Contribute

Apart from the misplaced, non-jurisdictional antitrust contentions in the petition itself, the Supplement to the petition setting forth contentions reflects that Petitioner has had available to it one or more members or other persons who has read at least some of the FSAR, NRC Staff and ACRS materials with understanding and some discernment and who can write clearly and concisely.

But the relative quality of the Supplement does not answer the question whether Petitioner has members, or can produce other persons, who can

- (1) give first hand factual evidence of a relevant and material nature,
- (2) present qualified expert opinion evidence on relevant and material matters, and
- (3) pursue a line of relevant questioning in a skilled manner and thereby develop a record,

none of which would be before the Board unless Petitioner is granted full party status.

More specifically, Petitioners make four general claims  
(page 6)

- (1) unique working knowledge as to local conditions and circumstances pertinent to emergency planning
- (2) unique knowledge of the organization and management of SCE&G gained through participation in other proceedings
- (3) specialized training of members in enumerated general areas
- (4) probable access to expert assistance in support of contentions and in preparing cross

As to the first general claim, Petitioners may or may not have knowledge, but we doubt that it is "unique" and doubt very much that there is no way for the NRC, or even the Board to get the same or comparable information, if such is material and relevant, unless Petitioner becomes a full party.

As to the second claim, the Board has already indicated its intention to inquire into the organization and management area in the context of quality and safety. Here again, we doubt that Petitioner has unique knowledge and doubt further that the only way any relevant and material information it possesses can be considered is via full party status.

As to the third and fourth claims, generalized assertions will not do. Greenwood, supra, 7 NRC 759 at 764, teaches that where special expertise is relied on, a detailed "bill of particulars" must be furnished. Petitioner has not even spelled out the disciplines of outside experts and does not show how its members' training is relevant or

helpful. We would reiterate that at this late date, and given the lack of good cause and the delay factor, it would not matter if this Petitioner had included a list of real experts in relevant disciplines and affidavits as to their willingness to testify. There is therefore no need to afford Petitioner an opportunity to supplement the petition with such a bill of particulars and affidavits.

Even if the Board were to conclude that this factor weighed slightly in favor of Petitioner, the showing is not strong and does not make the overall balance even close in favor of Petitioner.

B. Other Means

As is usually the case, there is no other forum in which all of Petitioner's interests and concerns can be litigated. While some interests can be and have been pursued before the South Carolina Public Service Commission by some of Petitioner's members, and Petitioner has met with county officials on emergency plans and evidently participated in other meetings with NRC (see Attachment A), the only proper forum for most matters of radiological health and safety is the NRC. Petitioner, however, made its choice about how and where to expend its resources. It is not the NRC's fault and not the Applicants' fault that Petitioner has slept on its rights and failed to approach this forum when it could reasonably have done so. In any event, many of Petitioner's interests and concerns can or will be aired

because of the existing Intervenor, limited appearances and responses, and Board questions.

This factor does not weigh for Petitioner given all of the circumstances.

C. Representation by Existing Parties

It is true that Petitioner's concerns cannot be directly represented by the State of South Carolina or the NRC Staff and that not all of them will likely be fully represented by the existing Intervenor. But here again it is Petitioner who failed to protect its interests, who relied in part on an intervenor whose participation was first limited in 1978 (Memorandum and Order of October 2, 1978) because of failure to comply with Board orders, and it has no one to blame but itself for failure to approach the Board (or the NRC Staff) much earlier.

This factor, too, does not weigh for Intervenor given all of the circumstances.

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In summary, the "middle" three factors in 10 C.F.R. Section 2.714)a)(1) do not weigh for Petitioner, the first and last factors, good cause and delay, weigh heavily against it, and the overall balance requires denial.

V. Contentions

For purposes of this answer, we need not and do not take up the question whether all of the contentions stated in the Supplement to the Petition "raise questions which



are both susceptible of litigation in an operating license proceeding and adequately framed by Petitioner". Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1423, n.6 (1977). As pointed out in n. 2, supra, we do not dispute the statement of one well-pleaded contention which would have been sufficient for timely intervention. If the Board please, we will address contentions if that matter is ever reached, orally or in writing, and will be prepared to do so at the April 7, 1981, Prehearing Conference.

#### VI. Discretionary Intervention

Perhaps in an abundance of caution, we briefly address discretionary intervention. A discretionary analysis per Pebble Springs, supra, (4 NRC 610) should have no place in dealing with a petitioner who is extremely late but who could have intervened as of right at a substantially earlier time. Compare Virginia Electric Power Co. (North Anna Power Station, Units 1 and 2), ALAB-363, 4 NRC 631 (1976) [Somewhat tardy intervenor who would not have qualified under judicial standing concepts accorded discretionary intervention] and Public Service Company of Oklahoma (Black Fox Station Units 1 and 2), 5 NRC 1143 (1977) [three intervenors late but inside zone of interests under one notice and timely but outside zone of interests under late notice: discretionary intervention upheld as to one, apparently under later notice, and reversed as to other two, all on grounds of

demonstrated ability to contribute, vel non.] with Skagit, supra, 10 NRC 162 [no discussion of discretionary intervention - "pure" 10 C.F.R. §2.714(a) "lateness" analysis.]

Our best reading of these cases is that a "discretionary" analysis is not called for as to petitioners who would have judicial standing but are extremely late and that such an analysis would not be consistent with the intent of the rules. Even if such an analysis were made, it would emphasize the inquiry into demonstrated ability to contribute and give weight to that factor, but such would still not tip the 10 C.F.R. §2.714(a)(1)(i)-(v) balance in petitioner's favor because of the lack of compelling good cause and the strong probability of extensive and expensive delay.

VII. This Board does not have Jurisdiction over Antitrust Matters and Cannot Entertain That Much of Petition Which Seeks to Raise Them

FUA attempts to assert antitrust matters (Petition, page 1 and paragraph 9 on pages 7-8). Such must be rejected because this Atomic Safety and Licensing Board, which has been constituted to hear health and safety and environmental matters, does not have jurisdiction to hear antitrust

matters. 4/ Public Service Company of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 NRC 167 and authorities discussed. See: 10 C.F.R. §2.104(d); 10 C.F.R. Part 2, Appendix A, §X(e). See also the Notice of Opportunity for hearing herein 42 Fed. Reg. 20203 (April 18, 1977) and the Notice of Hearing, 43 Fed. Reg. 6347 (February 14, 1978).

#### CONCLUSION

For all of the foregoing reasons, the extremely untimely petition for leave to intervene of FUA should be denied. At a time when the Commission has recognized the need to recover lost time on impacted plants, it would be a travesty to admit such a late petitioner.

Respectfully submitted,

Joseph B. Knotts, Jr.  
Counsel for Applicants

Date: 4/3/81

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4/ Because the Board must first determine its own jurisdiction and will find it lacking, it need not reach the question of Petitioner's standing to raise antitrust matters, which is also patently lacking, as is compliance with the pleading requirements for antitrust petitions. See: Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2), LBP-78-13, 7 NRC 583 (1978), aff'd. ALAB-475, 7 NRC 752 (1978); and Kansas Gas & Electric Co. (Wolf Creek Unit 1), ALAB-279, 1 NRC 559 (1975).

ATTACHMENT A.

ATTACHMENT A-1

Chronology of Notices



SELECTED PUBLIC NOTICES REGARDING  
VIRGIL C. SUMMER PROCEEDING  
1972 - 1980

<u>Date</u>	<u>Description</u>
September 27, 1972	Notice of hearing on application for construction permit, published in <u>Federal Register</u> (37 <u>Fed. Reg.</u> 20190) No intervention.
January 29, 30, 1973	Public Hearings at Winnsboro, N.C.
May 22, 1973	Notice of availability of Atomic Safety and Licensing Board and Atomic Safety and Licensing Appeal Board decisions approving construction permits.
April 18, 1977	Notice of receipt of application availability of environmental report; consideration of issuance of operating license and opportunity to intervene and demand a hearing. Published in <u>Federal Register</u> (42 <u>Fed. Reg.</u> 20203).
February 3, 1978	Brett A. Bursey admitted as intervenor
February 8, 1978	Notice of hearing issued. Published in <u>Federal Register</u> February 14, 1978 (43 <u>Fed. Reg.</u> 6347).
March 10, 1978	Notice of time and place of March 30, 1978 first prehearing conference. Published in <u>Federal Register</u> (47 <u>Fed. Reg.</u> 9893).
July 13, 1978	Notice of August 2, 1978 second pre-hearing conference.
July 10, 1979	Notice of availability of Draft Environmental Statement, published in <u>Federal Register</u> (44 <u>Fed. Reg.</u> 40460).
October 31 and November 10, 1980	Notice of orders scheduling and re-scheduling third prehearing conference of November 25, 1980.

<u>Date</u>	<u>Description</u>
November 14, 1980	Notice of supplement to Draft Environmental Statement. Published in <u>Federal Register</u> (45 <u>Fed. Reg.</u> 75399).
December 30, 1980	Board order setting deadline for TMI contentions, contentions arising out of Supplemental Draft Environmental Statements on Class C accidents, and requiring intervenor to furnish discovery information by January 31, 1981.

ATTACHMENT A-2  
Summary of Newspaper Coverage

SUMMARY OF NEWSPAPER COVERAGE  
OF V. C. SUMMER NUCLEAR STATION  
CONSTRUCTION AND LICENSING ACTIVITIES  
1 JANUARY, 1977 - 21 MARCH, 1981

The two largest papers in the Columbia area are The State and The Record. Both have circulation in the four county area surrounding the V. C. Summer Nuclear Station. A review of those papers since 1977 shows that at least 99 articles concerning the planning for, the construction and licensing of the V. C. Summer Nuclear Station have appeared prominently in those papers. A flurry of newspaper coverage occurred in the first quarter of 1977 as a result of South Carolina Public Service Commission hearings on an SCE&G rate request made in 1976. Weeks of testimony were given on the subject of the Summer Nuclear Station. Subjects such as the cost of the station, the alleged inefficiencies in construction practices, poor workmanship, etc. were the subject of testimony and newspaper articles covering the proceedings. The primary protagonists in the attack on the nuclear station were Senator Tom Turnipseed, who appeared with Dr. John Ruoff on television during Dr. Ruoff's press conference announcing his Petition to Intervene, and Mr. Robert Guila, attorney for the Midlands Welfare Rights Organization and named expert witness for Brett Bursey on the subject of decommissioning. The same persons pursued the same subject matters during PSC hearings in the first quarter of 1980. Here they delved a little more heavily into QC and QA matters. The transcript in the 1978 hearings consisted of approximately 15,000 pages, of which approximately 1,000 relate to testimony concerning the V. C. Summer Nuclear Station and concerned topics such as workmanship and emergency planning.

Dr. John Ruoff was an intervenor in the 1980 proceedings and participated in cross-examination of Virgil Summer, Oscar Wooten, T.C. Nichols, Harold Babb, and others. The primary topic of Dr. Ruoff's cross-examination of these individuals was the nuclear plant, i.e., construction quality, emergency planning, etc. While Dr. Ruoff himself did not question extensively, between Dr. Ruoff and his colleagues, they questioned Ed Crews and Harold Babb concerning nuclear plant construction and nuclear operations for nearly 800 pages. The primary subject of questioning of Mr. Crews was QA/QC. Harold Babb responded primarily to questions concerning nuclear operations in general and emergency planning as well as a lengthy examination concerning decommissioning, particularly the current status of the CVNPR. [SCE&G attributes the unusually prolonged PSC proceedings (ten weeks, 145 volumes of transcript, and hundreds of exhibits) largely to Mr. Ruoff and his colleagues.]

ATTACHMENT A-3  
Press Clippings

TO \_\_\_\_\_  
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## Hearing on SCE&G plan scheduled

The federal Nuclear Regulatory Commission will conduct a public hearing next week on South Carolina Electric & Gas Co.'s plan to deal with possible emergencies at the V.C. Summer nuclear plant.

Officials from the NRC will review the utility's plan for evacuating area residents if a nuclear accident occurred at the plant, which is in Jenkinsville about 25 miles north of Columbia.

The federal officials will tour the plant Tuesday, explain the plan at an 8:30 a.m. meeting and then hear public comments at a 7:30 p.m. meetings. Both meetings will be at St. Barnabas Episcopal Church on S.C. 213 in Jenkinsville.

Car pools will be leaving the offices of the anti-nuclear organization, Palmetto Alliance at 5:30 p.m. for those wishing to attend the 7:30 p.m. meeting.

For information, call 254-8132.

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PAPER Columbia

Record

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## Inspection team tours nuclear plant

A team from the U.S. Nuclear Regulatory Commission today toured South Carolina Electric and Gas Co.'s Virgil Summer Nuclear Plant and prepared for a public hearing tomorrow on the plant's emergency preparedness.

The inspection team was escorted through the 900-megawatt plant and planned to meet with local government and company officials to evaluate evacuation plans for the site.

At 8:30 a.m. tomorrow, the utility's emergency plan will be explained at a public meeting in the gymnasium of St. Barnabus Episcopal Church on S.C. 213 four miles northeast of the power plant.

The public is invited to comment on the plan at a hearing tomorrow at 7:30 p.m. at the same location.

The plant, scheduled for completion in late 1980, is located near Jenkinsville about 23 miles northwest of Columbia.

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## Officials review emergency plan

By BUNNY S. RICHARDSON  
Record Staff Writer

Officials from the Nuclear Regulatory Commission and South Carolina Electric & Gas Co. today began a page-by-page review of the utility's proposed emergency plan to be used in case of an accident at the V. C. Summer Nuclear Plant.

About a dozen spectators looked on as 11 officials — six from SCE&G and five from the NRC — spent the morning in St. Barnabas Episcopal Church refining the wording of the 150-page plan.

The Summer plant, off S. C. 215, is located 23 miles northeast of Columbia at Jenkinsville.

At one point the NRC questioned a waiting period the utility had set before activating emergency procedures.

Ken Beale, the utility's emergency coordinator for nuclear operations, explained the one hour and 15 minute waiting period was included to make sure the alarm was valid.

Dave Duncan, a special consultant to the NRC, said the federal regulatory agency prefers that no time interval be set. He said when utility officials are convinced the instruments are reporting a true reading, they must do something.

Harold Babb, the utility's manager

for nuclear operations, asked if the NRC would prefer the utility verify the reading and then act.

The NRC and SCE&G officials then agreed to eliminate a time limit and reword the section involving notification.

This morning's meeting is part of a two-day NRC visit to the Summer plant to review the utility's on-site emergency plan.

Tonight, citizens will be given the opportunity to comment on the emergency plan.

The hearing will be held at 7:30 p.m. at St. Barnabas Episcopal Church off S. C. 213 in Jenkinsville.

The utility's emergency plan is one of seven plans that will be in effect when Summer begins operation in June 1981. In addition to the SCE&G plan, there will be plans developed by the state Department of Health and Environmental Control, the state Disaster Preparedness Agency and Richland, Lexington, Fairfield and Newberry counties — the four counties nearest the Summer plant.

The state and county plans have not been completed.

NRC has said that no utility will receive a full-power operating license for a nuclear plant until the state in which that plant is located has an emergency evacuation plan.

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*7/24/80*

# U.S. officials to review nuclear plan

Associated Press

Federal officials next month will review South Carolina's plans for handling an accident at a nuclear generating plant.

The revised state plan will be reviewed by officials of the Federal Emergency Management Agency, which was organized by President Carter following the accident at the Three Mile Island reactor in Pennsylvania.

Federal officials will be checking to see if the document meets new criteria established by the Nuclear Regulatory Agency.

Two separate reviews of the South Carolina plan have found several weaknesses. The government says the failings included poor communication and coordination, a lack of law enforcement and public education at the local level and inadequate warning systems.

Harris Pope, the chairman of the FEMA's Advisory Committee says changes have been made so South Carolina's plan is now in "pretty good shape."

"Up until the Three Mile Island accident we were talking about evacuating people within a three- to seven-mile radius of a plant. The new outer limit is 10 miles. Also, there is to be a 50-mile food ingestion zone, in which all food processing will cease," he said.

Pope said that after the agency has passed on the plan, a drill will be held. He said there would be no movement of people but everything would be tested to make sure the state is ready to deal with a nuclear accident.

Officials of the Nuclear Regulatory Commission are in South Carolina for a review of South Carolina Electric and Gas Co.'s plan for dealing with a nuclear accident at the J.V. Summer nuclear station in Jenkinsvillle. That plant is expected to begin operation next year.

About 250 people were on hand last night for a public hearing on the document.

The SCE&G plan calls for a 10-mile radius evacuation in the event of a nuclear accident. But some residents said that's not far enough.

A citizens group, Fairfield United Action, has asked for a 15-minute notification time for residents within 20-miles.

The company plan sets a 15-minute notification of county civil defense directors, but the method for notifying residents is unclear.



LYN NICHOLSON  
Palmetto Alliance



POLLY PARKER  
Jenkinsville resident



TRAVIS BIANCHI  
Cedar Creek resident

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7/24/80

# Evacuation concern of nuclear meeting

Wednesday evening, July 23, 250 area residents gathered in the gymnasium of St. Barnabas Episcopal Church in Jenkinsville to let representatives of the Nuclear Regulatory Commission know that they were concerned about planning for evacuation in case of an accident at the nearby V. C. Summer Nuclear Station.

Maryam Shareef, of Fairfield United Action, presented a list of eight demands which members of the community organization wanted incorporated into any plan. Shareef told the representatives, "You represent our government and our government should do what the people ask them to do." The FUA demands called for extension of SCE&G's proposed ten mile evacuation planning area to 20 miles to include Winnsboro and Kelly Miller School and the Greenbrier Head Start Center which are not now covered.

Travis Bianchi of the Cedar Creek Community lives beyond the 10 mile planning zone, but he can see the reactor building from his back yard. "If I can see it, it can get me," Bianchi told the NRC staff members. Columbia residents expressed fears that they were being excluded from the planning area even though their drinking water supply, the Broad River, would likely be contaminated in the event of a radioactive spill into the Monticello Reservoir.

John Sears, the NRC staffer in charge of the meeting, told the community members that the 10 mile zone would probably not be extended because it was based on studies on nuclear accidents. Further audience questioning revealed that the study was the Rasmussen Report which has been discredited by the NRC, its original sponsor.

Sears drew murmurs from the crowd when he assured the, "I doubt seriously whether anyone will ever die as a result of a reactor accident." A retired Army First Sergeant from Jenkinsville told the NRC representatives that he had trained people in radiological warfare in the Army and that he knew, despite NRC attempts to calm people's

Ilan Gitlen of Winnsboro worried that "the greatest danger in what you're doing is that you don't believe that what you're regulating can happen."

Worried that planning would be inadequate for an emergency, Elouise Davis of Jenkinsville called for a real test of the evacuation plan with residents being notified and asked to leave their homes. Sears told Davis and FUA member Doug Rogers of the Bethel Community that the NRC would not require a test of that sort. "Such tests prove nothing," he argued.

Audience members expressed concern that in the event of an accident SCE&G will not have to pay fully for damage to residents' property because of a federal law, the Price-Anderson Act, limiting liability to \$560 million in the event of a nuclear accident. Kathy Rogers, FUA member from the Bethel Community, told the NRC that SCE&G should have to tell community members of that in advance of an accident.

Some audience members said that they were not opposed to the nuclear plant being in the community, but they were very concerned that adequate planning for evacuation was not taking place. "Training is the most important thing," one Jenkinsville resident told Sears. But many community members left the meeting feeling that they had not really found out how they would be able to evacuate in case of an accident.

Much of the SCE&G plan is incomplete where state and county officials have yet to complete planning for their roles in a evacuation. Lyn Nicholson, a Columbia engineer representing Palmetto Alliance, informed the NRC staffers of deficiencies in the state's evacuation plans found recently by the Legislative Audit Council. The NRC representatives were unaware of that study.

In response to a request that additional copies of the SCE&G plan be made available, Edward McPeak of the NRC angered community members when he told the audience that community residents wouldn't understand the plan anyway.

Robert Guild, a Columbia attorney,



SLIPPING FROM

James H. Hord

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James H. Hord



was accustomed to being sworn and having a record kept at hearings where public input was taken seriously. But, "I don't see a court reporter and you haven't even been taking notes on what these good people have been saying." Sears assured Guild that all the comments were listened to and taken into consideration before approving any plan.

Sears told Wednesday night's audience that the NRC committee had let SCE&G know at a technical review session that morning that their current plan is "not acceptable" and would have to be changed. Sears said he was especially concerned that SCE&G had made no provisions to locate and assist handicapped persons living in the evacuation area.

SCE&G will be required to revise their plan according to company officials. Meanwhile, county and state plans are in preparation. Representatives of Fairfield United Action said that the community organization would continue to press for quicker notification, a larger planning zone, transportation assistance for those in need, a real test of the evacuation plan, and SCE&G's paying for the extra costs to the county.

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PAPER DeWitt Herald

(Cont.)

ADDRESS Winnsboro, SC

DATE 7/30/80

# Fairfield United Action presents demands to council

by Carole Garretson  
staff writer

A group of approximately twenty people appeared before County Council Tuesday afternoon stating they were members of Fairfield United Action and as representatives of many residents of Fairfield County they appeared because of their concern for the health and safety of the people of the community should there be a nuclear accident at the V. C. Summer Nuclear plant in Jenkinsville.

Spokesperson for the group, Mrs. Cora Jackson stated, "To ensure that health and safety for us and our families, we present to you the fol-

lowing demands on radiological emergency response planning: 1.) County Council agrees not to approve any evacuation plan for the V. C. Summer Nuclear Station unless it includes: a.) The planning and notification warning system zone for evacuation, sheltering, or other protective actions include the area within a twenty mile radius of the plant. b.) The notification system must be capable of notifying all persons within that 20 mile zone within 15 minutes. c.) The county must identify all persons within the 20 mile zone who cannot transport themselves and make provision to transport them to safety in case of an accident. 2.) County Council adopts an ordinance requiring SCE&G

to pay all costs to Fairfield County for planning, testing, being ready for, or carrying out any radiological emergency responses because of the presence of the V. C. Summer Nuclear Station in Fairfield County. 3.) County Council agrees not to adopt or approve any Radiological Emergency Response Plan for Fairfield County until that plan has been successfully tested and a voluntary evacuation of residents carried out in the 20 mile notification and planning zone. 4.) County Council reserves to itself any decision to approve or disapprove any Radiological Emergency Response Plan for Fairfield County." Council accepted these demands as

information but took exception to the word "demands" stating that "requests" would be preferable. They explained to the group that they had not yet been advised of any emergency plan. County Administrator Donald Reed stated that a four-county plan would be submitted to the State, and then a State plan would be submitted to the Federal Emergency Management Association, which would in turn hold public hearings in this area before dictating any emergency plan to SCE&G. The hearings are anticipated in this area in March, he said.

One member of the group told Council that SCE&G is attempting to "pull the wool over their eyes" and petitioned

them to be watchful. Council Chairman Ralph Cooper reiterated that no plan had yet been submitted for their approval, so the council would accept the demands only as information at this time.

Council passed a resolution endorsing the construction of a senior citizen's facility in Fairfield County. This project is to be at no expense or obligation to the County.

Reed read a letter from L. B. Cannon, 3rd District Engineer, for the State Highway Department stating that the State could not erect road signs in the Lake Wateree area but would permit the County to do so.

cont. on page 7

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Herald

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## Council Continued

Since no funds have been budgeted for this, Council agreed to take the letter as information and to bring the matter up in next year's budget making process.

Administrator Reed reported that the Bureau of Census had made some adjustments upwards in the County's population figures but that the final figures would not be out until Oct. 1. Even after those final figures are received, the County will be given the opportunity to respond, he said.

Second reading of a franchise ordinance for Great Falls Cable T. V. was held.

Council agreed to meet Tuesday, September 16, in an extra session to receive the actual tax millage rates which are now being processed, in order to get tax bills sent out as soon as possible.

A set of rules governing the old Rescue Squad Ambulance was adopted in order to assure its proper usage by authorized agencies.

Edward Murphy appeared before

Council to voice complaint in the administration of the Recreation Association. Murphy contends there is mismanagement and that no board meetings are held in compliance with charter and by-laws. Councilman

Marion Stevenson responded by informing Murphy he was an ex-officio member of that board and that regular meetings were held with proper election of officers. He advised that Murphy present his grievances to that Board. Council concurred stating the Recreation Association did not come under their jurisdiction and that the Association had done a "tremendous job" in the past. Murphy stated he felt public monies were given to the Association and that Council should have a voice in their use or that the funding be withdrawn. Stevenson stated he would request that a board meeting be called to hear Murphy's specific complaints.

Mrs. Gloria Haney appeared before Council to voice her grievance over her dismissal from the Clerk of Court's

Office. She was heard, but Chairman Cooper explained Council had no jurisdiction over the hiring and firing of any employee of that office. This matter is up to the Clerk, Cooper said.

First reading consideration of an ordinance to establish the Fairfield County Council on Aging was held and it was decided to keep that board at 15 members as in the past. The Council has been operational under the Regional Council of Central Midlands but Reed stated it was advisable to establish the ordinance.

Council confirmed the appointment of James Vanderhall with Florence Shor, as alternate to represent the poor of Fairfield County on the Board of the Midlands Human Resources Development Commission.

Council turned over to the Planning Commission a request to pay interest on a loan to provide a roof for the speculative building partially completed in order to attract industry to the area. They agreed to abide by the Planning Commission's decision.

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# Nuclear Evacuation Plan Criticized

By HERB FRAZLER  
Newberry News

WINNSBORO — A member of an anti-nuclear coalition recently charged Fairfield County Council members with not understanding its role in the preparation of an emergency evacuation plan for the V.C. Summer Nuclear Station.

"They know so little about the evacuation planning process that it is hard to talk to them about it," said a spokesman for a group called Fairfield United Action.

"The county has the basic responsibility for developing a radiological emergency response plan, and they seem to have no notion of that," said the spokesman, who asked not to be named.

About a dozen FUA members Tuesday gave council six demands and asked that council use its influence to have them included in the plan to move people from parts of four Midland counties if there is a serious accident at the 900-megawatt plant near Jenkinsville.

The counties include Newberry, Fairfield, Lexington and Richland.

The demands are similar to the ones made in July when Nuclear Regulatory Agency officials met with Jenkinsville residents to discuss an on-site emergency response plan for the South Carolina Electric and Gas Co. facility.

Fairfield County Administrator Donald Reed said Tuesday, "They weren't satisfied with the responses they got (in July), and now they have turned to a local governing body."

Council is expected to become involved

in the preparation of the plan "within the next few months," Reed said.

But for now, "it is being handled administratively through the county's civil defense director and a regional task force," Reed said.

The group wants a proposed 10-mile evacuation area around the plant doubled and a 15-minute notification of all people living in the zone, the FUA spokesman said.

They also want transportation provided for persons without automobiles and a "full scale test of the plan" to include the voluntary evacuation of the area before it is approved.

And they want council to reserve the right to make the final decision on the plan, rather than passing the responsibility on to an administrator or another agency.

Their last request, asking council to pass an ordinance requiring SCE&G to pay for the cost of developing the plan, is already required by federal law, Reed said.

Council received the request as information, he said.

In July, an NRC spokesman told FUA and others it is the Federal Energy Management Agency's responsibility to review and recommend that county and state evacuation plans be approved.

Before FEMMA officials reach a decision, public hearings will be held perhaps in April, after the plan is submitted by Jan. 31, Reed said.

Central Midlands Regional Planning Council is assisting disaster preparedness officials in the four counties with putting the evacuation plan together.

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~~Am 10/11~~~~Dennis Archer~~

## NUCLEAR EMERGENCY PLANNING

At Three Mile Island, officials scrambled to write evacuation plans for a 20 mile radius while deadly radiation was escaping the plant.

SCE&G's proposed 10 mile evacuation notification radius will leave Winnsboro, Kelly Miller School, and Ridgeway unprotected in case of a nuclear accident at the V.C. Summer Nuclear Plant.

The Nuclear Regulatory Commission's Special Commission on Three Mile Island says that 10 miles is "inadequate as an arbitrary cut-off."

For more information on Nuclear Emergency Planning and how you can join your neighbors in seeking adequate plans to protect your family's safety, clip and mail the attached coupon:

### NUCLEAR EMERGENCY PLANNING

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

FAIRFIELD UNITED ACTION

P.O. Box 96

Jenkinsville, SC 29055

345-3514

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Debbie Archert

# Nuclear hearing set for Nov. 25

The presiding Atomic Safety and Licensing Board has scheduled a pre-hearing conference November 25 in Columbia, South Carolina, in the Nuclear Regulatory Commission licensing proceeding on the application submitted by South Carolina Electric and Gas Company for a license to operate the Virgil C. Summer Nuclear Station, Unit 1 under construction in Fairfield County, South Carolina. The station is located about one mile east of the Broad River near Parr and 26 miles

northwest of Columbia. South Carolina Public Service Authority is a co-owner of the project.

The conference will begin at 9:30 a.m. on Tuesday, November 25, in Courtroom 2-A, Richland County Courthouse, Richland County Judicial Center, 1701 Main Street, Columbia. The purpose of the conference is to discuss pending matters and further scheduling in the proceeding.

Members of the Licensing Board are Dr. Frank F. Hooper and Mr. Gustave

A. Linenberger, technical members, and Herbert Grossman, Esq., a lawyer who is Chairman of the Board. Dr. Hooper is associated with the School of Natural Resources at the University of Michigan in Ann Arbor. Mr. Linenberger and Mr. Grossman are full time members of the NRC Atomic Safety and Licensing Board Panel.

The public is invited to attend the conference but no limited appearance statements by members of the public will be received at this conference.

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## NRC to discuss safety issues

The Nuclear Regulatory Commission's Atomic Safety and Licensing Board will hold a conference tomorrow to discuss which issues will be presented during the licensing hearing of South Carolina Electric & Gas Co.'s V.C. Summer nuclear

plant.

The hearing will be held at 9:30 a.m. in Courtroom 2-A in the Richland County Judicial Center at 1701 Main St.

The board also will discuss the licensing schedule for the plant that is located

26 miles northwest of Columbia near Jenkinsville.

SCE&G hopes to Summer will begin operating next summer.

The public is invited to attend the conference, but no statements from the public will be received at this conference.

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plan for evacuating each county in case of a nuclear accident.

"The counties are unprepared to do this," Bursey said.

Emergency plans for the utility, the counties and the state must be approved before the NRC will grant an operating permit.

Bursey has raised the issues of the adequacy of the evacuation plans, the proposed decommissioning costs, the possibility of earthquakes in the area, the health effects of radiation and the quality of safety-related construction.

"Until these questions are resolved, I do not think the plant should be allowed to operate," he said.

Utility officials hope licensing hearings will be held in March or April, that fuel will be loaded in

August and that the nuclear plant will begin operation by the end of 1981.

Hollins said SCE&G should pay all the costs associated with emergency planning and that all persons within the evacuation zone who cannot transport themselves should be identified.

He also suggested that no emergency plan be approved until it has been successfully tested. SCE&G expects to test the proposed plan in a mock exercise scheduled for late March.

Hollins also said that "full and truthful information" about the effects of a nuclear accident should be posted in public places, placed in telephone books and distributed by the company in a separate mailing from bills.

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Review

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# Licensing Hearings Include 'Firsts'

(Continued From 1-B)

set is that emergency plans are still being formulated and revised. The NRC has been monitoring changes in SCE&G's plans and the Federal Emergency Management Agency has been working with the state on its new procedures.

Final state plans and federal approval are expected by February or early March, but that approval is not foregone.

Weaknesses in state emergency preparedness plans have been the lack of training, personnel and equipment on the part of the counties, as well as a general lack of coordination and communication between local and state government in case of a nuclear disaster.

A drill to test the effectiveness of county, state and SCE&G emergency plans will be conducted during the last week in March. The evacuation test, which will not actually move people, will be monitored by the NRC and FEMA.

MEANWHILE, opponents to the nuclear plant are saying that without more meaningful citizen involvement and input into the evacuation procedures, they are not likely to be effective. They call for a full-scale dress rehearsal, including the actual

evacuation of more than 10,000 citizens who live within a 10-mile radius of the facility.

The 10-mile zone includes areas in Lexington, Richland, Newberry and Fairfield counties.

Fairfield United Action group met with Fairfield County Council Tuesday asking that council hold a public meeting Dec. 11 to give residents in the area the chance to discuss the plan.

However, council denied the request and instead agreed to meet with 15 citizens Dec. 8.

Council turned down the public meeting idea because a council-sponsored meeting would only be a duplication of a planned public meeting to be held next year by federal officials, a county spokesman said.

The citizens group has suggested some additions to the plan, but many of the requests are already required by federal regulations to be included in the county's plan for alerting and moving its citizens, the spokesman said.

However, a request to extend the zone to include all of Fairfield County will not be included "because there is no need to plan out further than 10 miles," an SCE&G spokesman said.

Brett Bursey, the only intervenor in the licensing hearings, said Tuesday, "Evacuation plans are one of the biggest issues.

"The company only sees their responsibility as going to the plant boundaries. Beyond that, evacuation is the responsibility of local town and county officials. There are a lot of factors involved, but they are just not prepared to deal with them."

Alden Richardson, coordinator of the Richland County Committee for Nuclear Safeguards, added, "We tried to prevent the plant, but we couldn't, so we are trying to ensure there is a safe way to evacuate people in case of an accident.

"We need more help from the utility and from government to make sure there is ample notification and ample time for people to be moved," he said.

The hearings will be restricted to six issues:

- ✓ Effects on health of the radiation generated by the reactor and the complete fuel cycle, including uranium mining.
- ✓ Costs to decommission the plant.
- ✓ Emergency preparedness plans.
- ✓ Quality control, including personnel training and plant construction.
- ✓ Anticipated trouble with the system not serious enough to cause a shutdown of the plant.
- ✓ The likelihood of an earthquake in the vicinity of the plant.

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DATE 11/26/62

# Nuclear Plant's License Hearings Include 'Firsts'

By MIKE LIVINGSTON  
Governmental Affairs Staff

Two "firsts" will occur next spring in the licensing hearings for the V.C. Summer nuclear power plant near Columbia.

They will be the first to consider full power licensing since the Three Mile Island accident and the first ever to evaluate the scenario for a "worst case" accident — the core meltdown.

The Atomic Safety and Licensing Board, which reports to the Nuclear Regulatory Commission, was in town Tuesday to settle which issues will be considered in the hearings. Although no date has been set, the hearings likely will take place in two parts in March and April.

At issue is whether the 900-megawatt Summer plant, constructed by South Carolina Electric and Gas Co. near Jenkinsville in Fairfield County, should be granted a license to operate. The plant, already a year behind, is now scheduled to begin producing power in December 1981.

THE HEARINGS will represent a quickening of the pace of such procedures since the March 1979 Three Mile Island accident in that all licensing hearings since then have been only for "low power" operation.

"When Three Mile Island went up, the NRC suspended licensing for a year and timidly moved forward, resuming licensing in the spring of this year," said Mark B. Whitaker Jr., SCE&G's group manager for nuclear engineering and licensing.

"They made everyone (four plants) go through low power licensing to prevent further delays for plants already built. The NRC allowed them to go ahead with construction without installing the TMI recommendations and told those who got low power licenses they would catch them later.

"What is new here is that now the NRC is getting back to full power licensing like it was before," he said. "Summer will be the first full-blown, full power hearing on every issue since Three Mile Island."

Before Three Mile Island, because of studies — especially the famous Rasmussen Report — that discounted the possibility of a core meltdown, the NRC did not include in hearings an evaluation of what would happen in case of a nuclear plant disaster. Since then, however, that attitude has changed.

"This will be the first nuclear plant in the history of the world to have a Class 9 accident as part of its safety review," Whitaker said. "The NRC for the first time will take a comprehensive look at an evaluation of a meltdown."

"This is a good plant for them to pick because it's out in the woods and away from people. Plants which should be concerned are those in urban areas. The NRC factors in population, and if they decide it's too dangerous they can deny a license," he said.

The Summer plant is also behind its schedule and considerably over its initial cost estimates.

The "ballpark" estimate in 1970 for the project was about \$190 million. That figure has soared to upwards of \$1 billion, and exactly how much it will cost to mothball the plant, or decommission it, at the end of its 30-to 35-year lifetime is argued on all regulatory fronts.

COMPANY OFFICIALS cite regulatory delays, which cause backfitting and reconstruction, as reasons for cost escalation. Also blamed are very strict rules regarding building materials, which cause much equipment and material to be junked.

Tuesday, SCE&G was writing a letter to the NRC asking for an extension of its construction permit through June 1982. The permit expires at the end of this year. The company lost the time because of the NRC moratorium on licensing permits and because of modifications mandated as a result of Three Mile Island, Whitaker said.

One reason the date for the Summer licensing hearings has not been

(See LICENSING, 9-B, Col. 1)

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# Evacuation Plan Is Ready For Council

By HERB FRAZIER  
Newberry Bureau

Tentative plans for alerting, moving, housing and feeding some 3,000 persons in western Fairfield County in the event of a nuclear accident will be reviewed by county council Dec. 9.

The plans center on what to do in the event of a serious accident and release of radiation from the V.C. Summer Nuclear Station at Jenkinsville. The plant is expected to open in 1982.

The evacuation plan, which has not yet received federal approval, will be similar to action taken in parts of Richland, Lexington and Newberry counties, officials said. The four county plans will be attached to a state emergency radiological response plan.

It is estimated that some 10,000 to 11,000 persons living in a 10-mile radius around the 900 megawatt facility would be affected following a serious mishap.

Before the South Carolina Electric and Gas Company's facility receives its commercial power license from the Nuclear Regulatory Commission,

a test of the evacuation procedure is required. Public meetings also are required be held to give residents the opportunity to discuss the plan.

The procedures will be tested in a mock evacuation in March, officials said.

The Federal Energy Management Agency will review the plans and recommend whether the county and state evacuation plans should be approved by the NRC.

The plan outlines the responsibilities of the county's law enforcement, rescue, health care, emergency welfare and volunteer fire departments and how their actions would be coordinated with state agencies.

Fairfield United Action, a coalition of community groups, has opposed some parts of the plan and has called for additions to it which are not part of federal safety regulations.

The coalition has proposed extending the 10-mile evacuation area to include all of Fairfield County, and has suggested that potassium iodide be issued to each household to protect individuals from the possible exposure

to radioactive iodine.

The group also wants SCE&G to issue "full and truthful" information about the effects of radiation.

Fairfield County officials recently turned down a request to hold public meetings to discuss the plan because a council-sponsored meeting would duplicate one scheduled by federal officials next year.

However, council has agreed to meet with 15 citizens Dec. 8, the day before it will consider the plan as the county's method for handling a radiological emergency.

To complete the plan, officials say they need to know how many people in the county would be affected and compile a directory of the names of elderly, handicapped and sick persons who would need transportation out of the area.

A draft of the plan hasn't been released. However, officials say it details the method of alerting, notifying, moving and housing citizens.

✓ SHELTERS: The S.C. Baptist Convention Center at White Oak, off of U.S. 321 south of Blackstock, has

been proposed as the primary shelter for an extended evacuation, said George Douglass, Fairfield's director of disaster preparedness.

The White Oak site is more than 20 miles from the facility and it has been recommended that families be moved 15 to 20 miles away if there is a large release of radioactive isotopes, he added.

Winnsboro's junior and senior high schools and the county's recreation building are secondary locations, Douglass said.

A 50-mile radius around the plant will be the zone teams will examine to detect the levels of radiation released.

✓ TRANSPORTATION: The county's fleet of 64 school buses, vehicles from other county agencies and volunteer fire departments will be used to move those persons who don't have automobiles.

✓ ROUTES: There will be three pre-determined evacuation routes away from the western edge of the

(See FAIRFIELD, 2-B, Col. 1)

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INDEX

DATE 12/15/81





(Continued From 1-B)

county, which will lead citizens to U.S. 321. All of the shelter areas are along the highway.

✓ **ALERT:** A series of sirens placed in the 10-mile radius in the four counties will signal that an accident has occurred.

If the alert is issued, residents should go inside, close their doors and windows and tune to television or radio broadcasts for further instructions.

Persons without electricity will be advised to go to a shelter where there is a radio or television. There also may be the need for a door-to-door

notification for some people.

An SCE&G spokesman said it would cost about \$1.25 million to install the siren system, according to a proposal from Federal Signal Corp. of Atlanta. The utility, which will pay the cost of installing the system, is waiting for an estimate from another firm.

McCorey-Liston elementary and high schools are the only schools within the evacuation zone.

If an accident occurs during school hours, plans call for students to be moved to one of the secondary shelters where they can meet their parents and, if necessary, be moved to the primary shelter at White Oak.

Douglass said the siren alert would

not be the signal to evacuate the area.

By law, the governor has the authority to order an evacuation, based on a recommendation from the Department of Health and Environmental Control's Bureau of Radiological Health.

✓ **MOCK EVACUATION:** Before the plan is approved federal regulations require a mock evacuation to test the effectiveness of the plan.

The exercise is planned for March and it will involve several hundred emergency personnel, including county officials who will man an emergency operations center at the county jail.

During the exercise, citizens won't

be required to leave the area.

Fairfield United Action spokesman John Rouff said his group would like to see the plan tested by moving individuals. Having an early "walk through" of the plan, he said, it would lessen the panic during a real emergency.

However, the movement of citizens would be an inconvenience, take on the unnecessary risks of accidents and would be too costly, county officials said.

This summer, Fairfield United Action proposed that the 10-mile radius be doubled, but now the group is suggesting that the entire county be included in the evacuation zone.

A 1975 study by the American Physical Society suggests a 37-mile evacuation zone around nuclear power plants, assuming that the worst possible accident had occurred.

Ken Beale, SCE&G's emergency planning coordinator, said, "There is absolutely no need to plan out further than a 10-mile radius," based on conclusions drawn from a study of a hypothetical mishap.

Potassium iodide, which would increase the resistance of the body's thyroid gland against absorbing radioactive isotopes of iodine, has been rejected as a substance to be placed

in each household in the area, Beale said.

"The state has said they will not issue potassium iodide because of the known side effects associated with taking the substance," Beale said.

Personnel entering a one-mile zone around the plant will receive the drug, he said.

The utility will be mailing residents a brochure explaining how radiation affects the body and it may include a telephone number citizens can dial to receive information about what they should do following an alert, Beale said.

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Donnie Archest

F06

## FUA to meet with council Nov.25

At the November 25 meeting of the Fairfield County Council, the council was presented with a petition of almost 500 signatures of interested persons in Fairfield County who were concerned about evacuation plans for the area around the V.C. Summer nuclear facility in case the facility should have a nuclear accident.

The petition was presented by Fairfield United Action, an anti-nuclear group.

After some discussion, the council agreed to hold an open meeting, in the evening, on December 8, to listen to no more than 15 members of Fairfield United Action present their arguments for modifications in the emergency preparedness plan now being formulated for the V.C. Summer plant.

Fairfield County Civil Defense director George Douglass will present Fairfield County's plans to the state on December 9, the day after the hearing.

Margie Moore, of Fairfield United Action, commented: "We assume that in agreeing to this meeting, the council will give us a full hearing and we will be prepared with scientific evidence that says the evacuation area should be 37 miles. We will show them that and other evidence supporting our position. We expect a long and full discussion."

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Fairfield County

# Citizens Group Suggests Plan For Evacuation

By HERB FRAZIER

Newberry Bureau

WINNSBORO — Before adopting an evacuation plan, Fairfield County officials say they will consider a list of "serious proposals" a group of citizens want included in an emergency response plan for the V.C. Summer Nuclear Station near Jenkinsville.

But it is unlikely the suggestions will have an impact on council's decision because the county leaders don't intend to become a stumbling block in the licensing process of the facility, owned by South Carolina Electric and Gas Co.

"We don't intend to get in the way of any legitimate business in the county, not just SCE&G," County Administrator Donald Reed said in an interview prior to a Monday meeting with members of Fairfield United Action.

Council didn't respond to FUA's suggestions during a 40-minute session, but is expected to issue a written statement today before reviewing the plan, officials said.

"In my opinion, FUA wants us to put some unnecessary and unreasonable conditions in the plan to delay or prevent the plant from being licensed," Reed said.

"They are asking us to ignore all the federal guidelines and studies and take all of their information on face value to develop the plan," he said.

"From our perspective, licensing is the responsibility of the federal government. And we have no independent information, so it would be foolish for us to put ourselves in that role. But we will seriously check out all the requests FUA presented."

FUA's suggestions include:

- ✓ Extending a 10-mile evacuation area around the plant to include all of Fairfield County.
- ✓ Requiring a mock evacuation to test the effectiveness of the plan and determine how long it would take to evacuate the entire county, if necessary.
- ✓ Issuing potassium iodide to each household to protect individuals from possible exposure to radioactive iodine.
- ✓ Requiring that "full and truthful" information about the effects of radiation be prepared by an independent group and approved by a committee of Fairfield County physicians.
- ✓ Conducting a door-to-door survey to determine which sick and elderly persons need transportation and providing 24-hour stand-by transportation for those people.
- ✓ Requiring SCE&G to pay all costs of planning, testing and implementing any response plan.

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There was not an SCE&G representative at Monday's meeting.

But Doug Rogers, one of several persons to address council, said officials aren't bound to follow the 10-mile radius in deciding how much of the county will be affected during an evacuation.

"Let's have a plan to go beyond the 10-mile zone because it is not a magical number and it is inadequate as an arbitrary cutoff," he said.

The 10-mile zone also includes portions of Lexington, Newberry and Richland counties.

FUA also suggested that the plan, when tested in March, involve the actual movement of citizens to determine how long it will take to evacuate the county.

Asked if the exercise should include everyone living in Fairfield County, one FUA member replied, "I would think so."

"It is not absurd to evacuate the entire county. The only way to know how long it will take to move the people is to actually do it," he said.

Potassium iodide, which increases the thyroid gland's resistance to absorbing radioactive isotopes of iodine, has been rejected as a substance to be placed in each house in the area by state health officials.

But Dr. Janet Greenhut, a local physician, told council the cost of providing the substance would be "much less than the treatment of thyroid cancer."

An SCE&G spokesman has said the utility is in the process of preparing a brochure to inform residents of the effects of radiation. But FUA members say they question the qualifications of the employee who is preparing the material.

Also, SCE&G officials have said the utility is paying for a door-to-door survey to identify those persons who need transportation.

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~~A. M. Williams~~

Debbie Areheart

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FOG

## Citizens' group tries to influence evacuation plan

WINNSBORO — A Fairfield County citizens group which yesterday presented a list of proposals concerning an emergency response plan for the area around a Jenkinsville nuclear plant may not meet with much success.

Fairfield United Action presented the proposals yesterday to Fairfield County Council in an attempt to influence the evacuation plan for the V.C. Summer Nuclear Station, owned by S.C. Electric & Gas Co.

Council did not respond to FUA's suggestions during the 40-minute session, but was expected to issue a written statement today before reviewing the plan, officials said.

Fairfield County Administrator Donald Reed said the proposals ask for "unnecessary and unreasonable conditions in the plan to delay or prevent the plant from being licensed."

"We don't intend to get in the way of any legitimate business in the county, not just SCE&G," Reed said before the session with FUA.

"They are asking us to ignore all the federal guidelines and studies and take all of their information on face value to develop the plan," he said.

"From our perspective, licensing is the responsibility of the federal government. And we have no independent information, so it would be foolish for us to put ourselves in that role. But we will seriously check out all the requests FUA presented."

FUA's suggestions include:

- Extending a 10-mile evacuation area around the plant to include all of Fairfield County.

- Requiring a mock evaluation to test the effectiveness of the plan and determine how long it would take to evacuate the entire county, if necessary.

- Issuing potassium iodide to each household to protect individuals from possible exposure to radioactive iodine.

- Requiring that "full and truthful" information about the effects of radiation be prepared by an independent group and approved by a committee of Fairfield County physicians.

- Conducting a door-to-door survey to determine which sick and elderly persons need transportation and providing 24-hour stand-by transportation for those people.

- Requiring SCE&G to pay all costs of planning, testing and implementing any response plan.

There was not an SCE&G representative at Monday's meeting.

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## NRC Sets Meeting On V. C. Summer Plant

A subcommittee of the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards will hold a technical meeting on Dec. 13 in Washington, D. C., to discuss possible generic implications of a supplement to the Draft Environmental Statement for the Virgil C. Summer Nuclear Station Unit 1 in South Carolina.

In June of this year the Commission, in a Statement of Interim Policy, revised its

policy for consideration of accidents in environmental statements to include consideration of site-specific environmental impacts attributable to accident sequences that lead to releases of radiation and/or radioactive materials, including sequences that can result in inadequate cooling of reactor fuel and melting of the reactor core.

The supplement to the DES related to South Carolina Electric and Gas Company's application for

an operating license for Summer 1 considers the potential radiological impacts of such accidents.

The ACRS subcommittee meeting, which is open to the public, will begin at 8.30 a.m. in Room 1046, 1717 H. N. W. The meeting also will include a discussion of the NRC's reactor safety research program and radiation standards for workers. Representatives of the NRC staff will participate in the meeting.

Other aspects of the meeting, including opportunity for the public to comment, are described in a Notice of Meeting published in the Federal Register on November 28.

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ATTACHMENT C-2

Costs of Delay

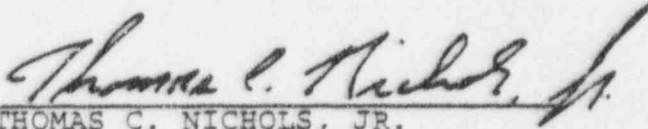
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of:

SOUTH CAROLINA ELECTRIC AND	)	
GAS COMPANY, <u>et al.</u>	)	
(Virgil C. Summer Nuclear	)	DOCKET No. 50-395 OL
Station, Unit 1)	)	

I, Thomas C. Nichols, Jr., am Vice President and Group Executive for Nuclear Operations for South Carolina Electric & Gas Company (SCE&G). Until July, 1980 I served as Vice President and Group Executive, Power Production and System Operations. In that capacity I became familiar with the processes of projecting cost penalties and savings associated with plant operations depending upon plant availability. SCE&G and the South Carolina Public Service Authority (PSA) have jointly prepared estimates of additional costs associated with a six months delay in licensing of the Virgil C. Summer Nuclear Unit beyond an anticipated license date of October-December, 1981. These estimates are attached hereto as Exhibit 1. These estimates equal \$20,744,667 per month. I am authorized to certify these estimate on behalf of SCE&G and the PSA to the ASLB in NRC Docket No. 50-395 OL.

I certify under the penalties of perjury that the foregoing is correct. Executed this 2nd day of April, 1981.

  
THOMAS C. NICHOLS, JR.



Additional Cost to South Carolina Electric & Gas Company and the South Carolina Public Service Authority Associated with a Six Months Delay in the Licensing of the Virgil C. Summer Nuclear Unit.

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SCPSA	Replacement Cost of Capacity	=	\$ 2,500,000
SCPSA	Replacement Cost of Energy	=	13,000,000
SCE&G	Replacement Cost of Energy	=	<u>53,768,000</u>
	Subtotal		\$ 69,268,000

Combined Costs to South Carolina Electric & Gas Company  
and  
South Carolina Public Service Authority

Increase in Interest on Capital for 6 months	\$ 25,200,000
Increase in Capital Cost of Operations for 6 months	<u>30,000,000</u>
Subtotal	\$ 55,200,000
Total Additional Cost	<u>\$ 124,468,000</u>

ATTACHMENT C

ATTACHMENT C-1

Construction Schedule

SOUTH CAROLINA ELECTRIC & GAS COMPANY

POST OFFICE BOX 784

COLUMBIA, SOUTH CAROLINA 29218

T. C. NICHOLS, JR.  
VICE PRESIDENT AND GROUP EXECUTIVE  
NUCLEAR OPERATIONS

March 24, 1981

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

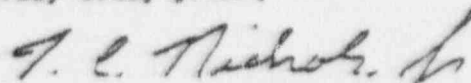
Subject: Virgil C. Summer Nuclear Station  
Docket No. 50/395  
Status of Construction

Dear Mr. Denton:

South Carolina Electric and Gas Company acting for itself and as agent for the South Carolina Public Service Authority hereby reports that the Virgil C. Summer Nuclear Station construction project is 98% complete.

We project fuel load date as August 1981.

Very truly yours,



T. C. Nichols, Jr.

NEC:TCN:rh

cc: V. C. Summer  
G. H. Fischer  
T. C. Nichols, Jr.  
C. A. Price  
D. A. Nauman  
W. A. Williams, Jr.  
H. N. Cyrus  
R. B. Clary  
A. R. Koon  
A. A. Smith  
J. B. Knotts, Jr.  
J. L. Skolds  
B. A. Bursey  
O. S. Bradham  
ISEG  
PRS  
NPCF  
File

ATTACHMENT B  
Local Public Document  
Room





UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of:

SOUTH CAROLINA ELECTRIC AND	)	
GAS COMPANY, <u>et al.</u>	)	
	)	Docket No. 50-395 OL
(Virgil C. Summer Nuclear	)	
Station, Unit 1)	)	

I am Jeffrey B. Archie, 1113 Crossroads Apartments, Columbia, South Carolina. I am a part-time student assistant with South Carolina Electric & Gas Company. I have occupied that position since June 12, 1978. Part of my duties with South Carolina Electric & Gas Company have been to make periodic examinations of the Public Documents Room in the Richland County Library in Columbia, South Carolina to determine the availability of materials in that Public Documents Room related to this Docket and to assure that the documents are as up-to-date as practicable. The documents relating to NRC Docket No. 50-395 OL have been posted adequately in the Public Documents Room and have been reasonably up-to-date continually since 1978. On occasions the posting of new documents or addendums to old documents has not kept pace with their arrival. Shelf space is limited, but materials are visible and marked. With a little effort, anyone desiring to do so can locate materials.

I certify under the penalties of perjury that the foregoing is correct. Executed this 2nd day of April, 1981.

  
\_\_\_\_\_  
JEFFREY B. ARCHIE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

SOUTH CAROLINA ELECTRIC &  
GAS COMPANY and  
  
SOUTH CAROLINA PUBLIC SERVICE  
AUTHORITY  
  
(Virgil C. Summer Nuclear  
Station)

) Docket No. 50-395 OL  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer to Untimely Petition to Intervene of Fairfield United Action, Inc." in the above captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid or by hand delivery as indicated by an asterisk, this 3rd day of April, 1981:

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

Dr. Frank F. Hooper  
School of Natural Resources  
University of Michigan  
Ann Arbor, Michigan 48109

\*Mr. Gustave A. Linenberger  
Member, Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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

Chairman, Atomic Safety and  
Licensing Board Panel  
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Commission  
Washington, D.C. 20555

George Fischer, Esq.  
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\*Steven C. Goldberg, Esq.  
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U.S. Nuclear Regulatory  
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Washington, D.C. 20555

Mr. Brett Allen Bursey  
Route 1, Box 93-C  
Little Mountain, South  
Carolina 29075

Mr. Chase R. Stephens  
Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Mr. John C. Ruoff  
Post Office Box 96  
Jenkinsville, S.C. 29065

Richard P. Wilson, Esq.  
Assistant Attorney General  
South Carolina Attorney General's  
Office  
P.O. Box 11549  
Columbia, South Carolina 29211

---

Joseph B. Knotts, Jr.