

ENVIRO - FILE (NEPA)

DISTRIBUTION:
Docket (Env) ✓
AEC PDR
PDR (w/incoming)
DR Reading
REP Reading
DRL
OGC
GBLanc, REP
Felton, DR
DR Control 3816

NOV 24 1971

Docket Nos. 50-269, 50-270, 50-287
50-261, 50-325, 50-324

Mr. H. T. Westcott
Chairman
State of North Carolina
Utilities Commission
Raleigh, North Carolina 27602

Dear Mr. Westcott:

This is in response to your letter to Chairman Schlesinger in which you express concern over the effect that the revised Atomic Energy Commission regulations for implementing the National Environmental Policy Act (NEPA) will have on power plants within your jurisdiction.

Duke Power Company and Carolina Power and Light Company have responded to the "show cause" requirements of Section E of Appendix D as revised (copy enclosed). We are reviewing their responses. One of the considerations in our review is the requirement for power and your comments in that regard will be taken into account. Our determination as to suspension in each case will be noticed in the Federal Register and an opportunity to be heard offered at that time.

With respect to the construction and operation of the plants which are of concern to you, the regulatory staff has been coordinating its reviews with other agencies, including the Federal Power Commission, and the FPC indicates that the Virginia-Carolinas Area is one of the critical sub-regions during the Summer of 1972. AEC Chairman Schlesinger's October 29, 1971, letter to FPC Chairman Nassikas (copy enclosed) provides our analysis of the situation and indicates that the completion of AEC staff NEPA review should not be the determining factor during this period. Currently H. B. Robinson Unit 2 is in operation, and the earliest projected date at this time for the issuance of an operating license for Oconee Unit 1 is March 1972. If the projected schedule holds, and no unusual difficulties are experienced, by the Winter of 1972-73 two nuclear power plants in the area (Oconee Unit 1 and Surry Unit 1) could, subject to favorable licensing decisions, be at full power and contribute to an adequate area reserve margin as defined by the FPC. The utility currently estimates that Oconee Unit 2 construction will be completed in December 1972. Consequently, this unit may not help meet the Winter 72-73 peak demands.

Copy sent PDR

*with enclosed
12-8-71
[Signature]*

LB

8001140572

G

Mr. H. T. Westcott

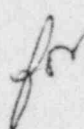
2

If there are any delays or other occurrences related to a specific plant that affect your interests, and if you wish to be heard, you should make your request at the time a notice of hearing concerning that plant is published in the Federal Register. Information concerning the publication of notices of hearing in AEC licensing proceedings is given in the Commission's Rules of Practice, 10 CFR Part 2, § 2.703, and, with respect to hearings in connection with the Section E "show cause" procedures, in Section E.4.(b) of Appendix D.

You will note in Section A, paragraphs 6 to 8 of the enclosed Appendix D to 10 CFR 50 that the Commission sends copies of the applicant's Environmental Report and the Commission's Draft Detailed Environmental Statement to various Federal agencies and State and local officials for comment. Our records reflect that a copy will be sent to the State of North Carolina Utilities Commission for comment. If you have any questions or comments on these procedures please let me know.

Sincerely,

Original Signed by
Chris L. Henderson

 L. Manning Muntzing
Director of Regulation

Enclosures:

1. Appendix D to 10 CFR Part 50
2. Ltr AEC to PPC, 10/29/71
3. 10 CFR Part 2

bcc: Chairman Schlesinger (2)
Commissioner Ramey
Commissioner Larson
Commission Johnson
Commissioner Doub
Secretariat (2)

OFFICE ▶	REP:ADEP Blanc	REP:DIR	OGC DR	DR Muntzing
SURNAME ▶	Felton:db	LRogers	Becker/Knotts	Muntzing
DATE ▶	11- -71	See attached yellow for previous concurrences		

ENVIRO - FILE (NEPA)

Docket Nos. 50-269, -270, -287, -261, -325, -324

DISTRIBUTION:
Jocket (Env.) ✓
AEC PDR
PDR (w/incoming)
DR Reading
REP Reading
DRL
OGC
GBlanc, REP
DR Control 3816

Mr. H. T. Westcott
Chairman
State of North Carolina
Utilities Commission
Raleigh, North Carolina 27602

Dear Mr. Westcott:

This is in response to your letter to Chairman Schlesinger in which you express concern over the effect that the revised Atomic Energy Commission regulations for implementing the National Environmental Policy Act (NEPA) will have on power plants within your jurisdiction.

Duke Power Company and Carolina Power and Light Company have responded to the "show cause" requirements of Section E of Appendix D as revised (copy enclosed). We are reviewing their responses and appreciate your expressing interest over continuing the construction or operation of the named units pending the NEPA review. One of the considerations in our review is the requirement for power and, therefore, your information is very timely. Our ^{decision} ~~decisions~~ in each case will be noticed in the Federal Register and an opportunity to be heard offered at that time.

in that regard will be taken into account.

With respect to the construction and operation of the plants which are of concern to you, the regulatory staff has been coordinating its reviews with the Federal Power Commission, and the FPC indicates that the Virginia-Carolinas Area is one of the critical subregions during the summer of 1972. AEC Chairman Schlesinger's October 29, 1971, letter to FPC Chairman Nassikas (copy enclosed) provides our analysis of the situation and indicates that the NEPA review should not be the determining factor during this period. Currently H. B. Robinson Unit 2 is in operation, and the earliest projected date at this time for the issuance of an operating license for Oconee Unit 1 is March 1972. If the projected schedule holds, and no unusual difficulties are experienced, ~~in startup, the reserve margins in this area will be increased.~~ By the Winter of 1972-73, ^{FWD} ~~these~~ nuclear power plants in the area (Oconee Unit 1 and 2 and Surry Unit 1) should be at full power with an adequate reserve margin as defined by the FPC. (A)

completion of AEC staff

could, subject to favorable utility decision,

If there are any delays or other occurrences related to a specific plant that affects your interests, and if you wish to be heard, you should make your request at the time a notice of hearing concerning that plant is published in the Federal Register. Information concerning the publication of notices of hearing in AEC licensing proceedings

other agencies, including

now pay attention

and submit to

Mr. H. T. Westcott

2

is given in the Commission's Rules of Practice, 10 CFR Part 2, § 2.703, and, with respect to power reactors in the categories of those referred to in your letter, Section B.3 and C.2 of Appendix D of Part 50 and with respect to hearings in connection with the Section E "show cause" procedures, in Section E.4.(b) of Appendix D.

*understand
Council
falls out
Monday,
F. will
invitations*

~~To be specific in regard to your expressed concern, our evaluation with respect to the Section E determination for each power plant subject thereto requires a consideration of "the power needs to be served by the facility". If you wish to put into the public record information related to the need for power in the area served by any specific nuclear plant, please do so.~~

You will note in Section A, paragraphs 6 to 8 of the enclosed Appendix D to 10 CFR 50 that the Commission sends copies of the applicant's Environmental Report and the Commission's Draft Detailed Environmental Statement to various Federal agencies and State and local officials for comment. Our records reflect that a copy will be sent to the State of North Carolina Utilities Commission for comment. If you have any questions or comments on these procedures please let me know.

Sincerely,

L. Manning Muntzing
Director of Regulation

Enclosures:

- 1. Appendix D to 10 CFR Part 50
- 2. Ltr AEC to FPC, 10/29/71
- 3. 10 CFR Part 2

bcc: Chairman Schlesinger (2)
Commissioner Ramey
Commissioner Johnson
Commissioner Larson
Commissioner Doub
Secretariat (2)

OFFICE ▶	REP: ADEF Blanc/ <i>[initials]</i>	REP/DIR <i>[initials]</i>	OGC <i>[initials]</i>	DR	
SURNAME ▶	Felton:db	LRogers	JMecker	LMMuntzing	
DATE ▶	11-10-71	11-11-71	11- -71	11- -71	

DISTRIBUTION:

DR Reading

REP Reading

DRL

OGC

GBlanc, REP

PDR (w/enclosure)

DR Control 3816

Mr. H. T. Westcott
Chairman
State of North Carolina
Utilities Commission
Raleigh, North Carolina 27602

Dear Mr. Westcott:

This is in response to your letter to Chairman Schlesinger in which you express concern over the effect that the revised Atomic Energy Commission regulations will have on power plants within your jurisdiction.

Duke Power Company and Carolina Power and Light Company have responded to the "show cause" requirements of Section E of Appendix D as revised September 9, 1971 (copy enclosed). We are reviewing their responses and appreciate your expressing interest over continuing the construction or operation of the named units. The requirements for power you describe is one of the considerations in our review and, therefore, your information is very timely. Our decision in each case will be noticed in the Federal Register and an opportunity to be heard offered at that time.

Additionally, our overall responsibilities under the National Environmental Policy Act require a complete review and evaluation of many environmental factors associated with a power reactor project. This process requires substantial time and effort by the utilities and by our staff. In addition, many projects are contested cases which tends to extend the licensing period. The results may be delays in full power operation of some nuclear plants.

With respect to the construction of the plants of concern to you, we cannot predict at this time whether there will be delays in their operation and can only assure you that we will make every effort to avoid delays while fulfilling our responsibilities under NEPA.

If there are any delays or other occurrences related to a specific plant that affects your interests, and if you wish to be heard, you should make your request at the time a notice of hearing concerning that plant is published in the Federal Register. Information concerning the publication of notices of hearing in AEC licensing proceedings is given in the

Mr. H. T. Westcott

2

Commission's Rules of Practice, 10 CFR Part 2, § 2.703, and, with respect to power reactors in the categories of those referred to in your letter, Section B.3 and C.2 of Appendix D of Part 50 and with respect to hearings in connection with the Section E "show cause" procedures, in Section E.4.(b) of Appendix D.

To be specific in regard to your expressed concern, our evaluation with respect to the Section E determination for each power plant subject thereto requires a consideration of "the power needs to be served by the facility". If you wish to put into the public record information related to the need for power in the area served by any specific nuclear plant, please do so.

You will note in Section A, paragraphs 6 to 8 of the enclosed Appendix D to 10 CFR 50 that the Commission sends copies of the applicant's Environmental Report and the Commission's Draft Detailed Environmental Statement to various Federal agencies and State and local officials for comment. Our records reflect that a copy will be sent to the State of North Carolina Utilities Commission for comment. If you have any questions or comments on these procedures please let me know.

Sincerely,

L. Manning Muntzing
Director of Regulation

Enclosures

bcc: Chairman Schlesinger (2)
Commissioner Ramey
Commissioner Johnson
Commissioner Larson
Commissioner Doub
Secretariat (2)

(See attached Yellow for concurrence)

OFFICE ▶	REP: ADEP	REP: DTR	OGC	DR		
SURNAME ▶	GBLanc:d, 11-1-71	LRogers 11-1 -71	JMBecker 10/29/71	LMHuntzing 11-1 - 71		
DATE ▶						

SIGNATURE MAIL ROUTING SLIP

(Director's Office)

Mr. Muntzing : SIGNATURE

Dr. Beck : Concurrence

Dr. Mann : Concurrence

Mr. Henderson : Concurrence

Is notification the
JCAE recommended? _____

Concurrences received from:

- Compliance _____ ()
- Materials Licensing _____ ()
- Nuclear Materials Safeguards _____ ()
- 1 Radiological & Environmental Protection JR 11/11 (11/11) ()
- Reactor Licensing _____ ()
- Reactor Standards _____ ()
- State & Licensee Relations _____ ()
- 2 Office of General Counsel _____ (11/1/71) ()
- Others _____ ()

Remarks:

Ltr to Westcott, State of N. C. Utilities Commission, responding to ltr to Chairman Schlesinger expressing concern over the effect that the revised AEC regulations will have on power plants within jurisdiction

B/CLH/A/Lmm 11/24/71

Date 11/3/71

Originator Blanc

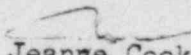
OR-3816

October 21, 1971

1. Mr. Hoffmann
A-241

May we have your advice on filing the attached letter in the Public Document Room?

Re: Ltr Westcott (N.C. Utilities Comm.)
to Schlesinger, 10/11/71
Docket Nos. 50-269, -270, -287, -261,
-325, and -324


Jeanne Cook
Office of the Director
of Regulation

2. Jeanne Cook
008 Bethesda

 X Approved for filing in PDR.

 Document not to be filed in the PDR.

Martin R. Hoffmann
General Counsel

Handwritten initials

FROM
**State of North Carolina Utilities
 Commission**
W. T. Westcott

CONTROL NUMBER
3816

FILE LOCATION

DATE OF DOCUMENT
10/11/71

ACTI COMPLETION DEADLINE
11/22/71

TO
Schlesinger

ACTION PROCESSING DATES

Acknowledged _____
 Interim Report _____
 Final **11/24/71**

PREPARE FOR SIGNATURE OF:

Chairman
 Director of Regulation

DESCRIPTION

Ltr

Original

Copy

Other

13/CLH 4/4

Req. to be advised if new regs will have a significant impact in terms of additional cost & delays on the Oconee, H. B. Robinson Unit 2 and Brunswick Units 1 and 2, and in case of any adverse effects including that of long delays, req. an opportunity to be heard in the matter

REMARKS

NOTE
 This has not been put in the Public Document Room. Per instructions from Chairman's office, each ltr to the Chairman is to be checked with Hoffmann before filing in PDR. This check is in progress.

JHC

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Rogers f/action

10/20/71

Cys: **Henderson
 Morris
 Sheper**

**PDR. 50-269
 -270
 -287
 -261
 325
 224**

DO NOT DETACH THIS COPY

DIRECTOR OF REGULATION
 COMMUNICATIONS CONTROL

Form HQ-32 (6-70)
 USA EC