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December 5, 1980

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

Delmarva Power & Light Company, et al.:  
Summit Power Station, Units 1 and 2  
(NRC Dockets 50-450, 50-451)

Dear Mr. Denton:

Pursuant to § 2.107 of the Commission's regulations, 10 CFR § 2.107, Delmarva Power & Light Company (DP&L or the Applicant) hereby withdraws its application (NRC Docket Nos. 50-450, 50-451) for a permit from the Nuclear Regulatory Commission to construct twin HTGR units designated Summit Units 1 and 2. This action is taken by DP&L on its own behalf and on behalf of its co-applicant, Philadelphia Electric Company. A motion to withdraw the application and to terminate construction permit proceedings has been filed today with the Atomic Safety and Licensing Board; a copy is attached.

The construction permit application for the Summit units was filed in 1973, and in 1975 the Atomic Safety and Licensing Board issued a Partial Initial Decision on environmental and site suitability issues approving the Summit site for the construction and operation of the twin HTGR reactors then contemplated. 2 NRC 215 (1975). Before the safety phase hearings could be completed, however, the Summit units as HTGRs were cancelled as the result of the reactor vendor's decision to withdraw from the commercial reactor manufacturing business. At that time an appeal of certain aspects of the ASLB's Partial Initial Decision was pending before the Atomic Safety and Licensing Appeal Board.

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Upon the cancellation of the HTGRs, DP&L notified the Commission that it wished not to withdraw its application at that time, but rather that it intended to investigate the possibilities of converting the HTGR application into one for light water cooled (LWR) units, or for an Early Site Review. No LWR vendor has been selected, however, and no Early Site Review amendment has been filed.

On January 3, 1979, the Atomic Safety and Licensing Appeal Board, with DP&L's assent, vacated the earlier Partial Initial Decision without prejudice, dismissed the pending appeal as moot, and remanded the case to the Atomic Safety and Licensing Board for further proceedings contingent upon DP&L's amending its application. 9 NRC 5 (1979). The application has not been amended since.

DP&L has recently concluded that there is neither a significant likelihood of its amending the Summit application in the foreseeable future, nor any further benefit to be anticipated from maintaining the application before the Commission. This fact, plus the pendency of proposed regulations (45 Fed. Reg. 74493, November 10, 1980) which as proposed could impose substantial additional fee liability for applications withdrawn after the regulations become effective, has induced DP&L to withdraw its application before their effective date.

By this letter, therefore, DP&L requests that the Commission consider DP&L's application for a construction permit for Summit Units 1 and 2 to be withdrawn without prejudice as of the date of receipt of this letter. A copy of this letter is being sent today to the Atomic Safety and Licensing Board as an attachment to the motion requesting that it permit withdrawal of the application and that the Summit proceeding be dismissed as moot.

Very truly yours,

*Donald P. Irwin / ASG*

Donald P. Irwin  
Attorney for  
Delmarva Power & Light Company

Enclosure

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