



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR
50-395

MAR 24 1981



The Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510

Dear Senator Thurmond:

Your letter of February 4, 1981, to Mr. Carlton Kammerer, Director of the NRC Office of Congressional Affairs, has been directed to this office for reply. You requested that we review a letter dated January 15, 1981, which you received from Mr. Oliver Burnham, and provide you with a report of our findings.

We have reviewed Mr. Burnham's letter and find that it presents the facts correctly. However, we would like to provide you with a more complete and current status of the application for an operating license for the Virgil C. Summer Nuclear Station as discussed in our report of January 30, 1981, to the House Subcommittee on Energy and Water Development, Committee on Appropriations, chaired by the Honorable Tom Bevill.

On February 6, 1981, the staff issued its principal Safety Evaluation Report for the Summer facility. On March 11 and 13, 1981, the NRC's Advisory Committee on Reactor Safeguards met to discuss the application and in April 1981, the staff will issue its Supplemental Safety Evaluation Report. This will permit the beginning of a public hearing process, held pursuant to the Atomic Energy Act and the NRC's regulations. In our January 30 report, the licensing hearing process is scheduled to be completed, with a resulting decision, in June 1982. As the result of intensified efforts by our legal staff and cooperative discussions with the participants, the hearing schedule may be shortened to reflect a final NRC decision as early as April 1982. There may still be some items in the hearing schedule that can be adjusted, thereby effecting an even shorter schedule. This compares to the applicant's estimate of construction completion in August 1981 and the NRC staff's estimate of construction completion in October 1981. Therefore, the extent of the impact of the licensing process on the operation of this facility could be from six to ten months.

Another issue which could have a major impact on the operating date for this facility is an antitrust petition which is now pending before the Commission. On January 31, 1979, the Central Electric Power Cooperative petitioned the Commission to find that "significant changes" have occurred since the last antitrust review of the application by the NRC and the Department of Justice. Such a finding is a statutory requirement to initiate an antitrust review at the operating license stage.

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The Commission is expected to decide soon as to whether to make the requested finding. An affirmative decision would automatically set in motion a statutory 180-day review by the Department of Justice culminating in a published opinion.

Subsequent to such an opinion, any party with an interest could request a hearing on antitrust contentions. The current laws require that the antitrust hearing be completed prior to issuance of an operating license unless all parties agree to a post-licensing review. Such a hearing could delay by well over one year the issuance of an operating license.

As I am sure you can appreciate, there is a great deal of work yet to do prior to issuance of the operating license for this facility. This is due, in part, to the upgrading in response to the requirements resulting from the accident at Three Mile Island, Unit 2. However, I wish to assure you that since the operation date for this facility is impacted by the licensing process the NRC is very concerned. We are making every effort to avoid additional delays and have under consideration proposals that could significantly improve the current licensing schedule for the facility.

Sincerely,

(Signed) T. A. Rehm

William J. Dircks
Executive Director for Operations