



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

PDR

August 5, 1981



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

Dear Senator Thurmond:

This will respond to your letter of June 10, 1981, in which you requested an updated estimate of the schedule for the Virgil C. Summer Nuclear Plant operating license proceeding.

The Supplemental Safety Evaluation Report (SSER) was issued on April 28 and the Final Environmental Impact Statement (FES) on May 21, 1981. The evidentiary hearing began the following month on June 22 before an Atomic Safety and Licensing Board. As a separate matter, on June 26 the Commission unanimously denied Central Electric Power Cooperative's (Central) pending petition for a finding that significant changes had occurred in the activities of the applicants South Carolina Gas and Electric Company and South Carolina Public Service Authority (CLI-81-14). As you are aware, by statute there can be no antitrust review in conjunction with the operating license without such a finding. On July 6, 1981 Central petitioned the Commission to reconsider its denial and on the following day the Commission Secretary established a schedule to provide for prompt responses from the other interested parties. We will advise you of the Commission's decision in this matter.

A decision on a full-power license is projected for January, 1982. Because of the applicants' revision of the estimated construction completion date from August, 1981 to November, 1981, the theoretical maximum delay currently projected for this facility has been reduced to two months.

Your June 10 letter expressed concerns relating to Chairman Hendrie's April 10 advice that the Commission would not expect a delay in the commencement of operations at Summer even were antitrust review to go forward. I will take this occasion to provide a brief response.

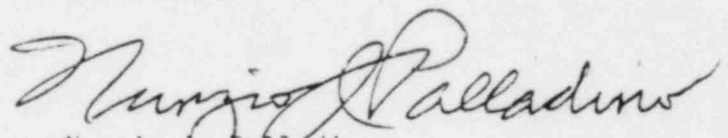
As you suggested, it is possible that, in the event of an affirmative significant changes finding, an interested person other than Central could come forward to request a hearing and would not be bound by Central's waiver of right to a prelicensing hearing. We believed that eventuality was unlikely in light of knowledge of what other competitors

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exist in the relevant marketplace. Again, it is possible that an individual ratepayer could seek a hearing, but according to our practice, to be successful he would need to demonstrate that any alleged economic harm to himself was or would be the proximate result of specific anti-competitive activities of the applicants. (Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), LBP-78-13, NRC 583, 592-3 (1978).) This too was believed to be unlikely under the circumstances as they have been represented to us. Nevertheless, it was because of these possibilities that we did not state categorically that antitrust review could not delay the hearings but rather advised that we would not expect such delay.

I hope that this letter has been responsive to your interests in this matter. Please rest assured that the Commission will continue its vigilance to avoid any unnecessary delays in the licensing of the Summer nuclear facility.

Sincerely,

  
Nunzio J. Palladino