

VIRGINIA ELECTRIC AND POWER COMPANY
RICHMOND, VIRGINIA 23261

R. H. LEASBURG
VICE PRESIDENT
NUCLEAR OPERATIONS

September 27, 1982

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
Attn: Mr. Robert A. Clark, Chief
Operating Reactors Branch No. 3
Division of Licensing
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Serial No. 538
T&D/MP,RJG
NO/ERS,Jr.:acm
Docket Nos. 50-338
50-339
License Nos. NPF-4
NPF-7

Gentlemen:

NEW 230 KV LINE TO NORTH ANNA 1 AND 2

By various letters in 1974 and 1976 Virginia Electric and Power Company (Vepco) advised the NRC of the possibility that Vepco might someday wish to build a new 230 kV transmission line to connect the North Anna Power Station to the Louisa Substation. The NRC advised us, in the attached letter dated November 26, 1976 from Mr. B. J. Youngblood, that Vepco would have to "provide written notification to and obtain approval from the Director, Office of Nuclear Reactor Regulation, prior to construction of the line."

This letter is to inform you that Vepco now wishes to construct the 230 kV line. The Virginia State Corporation Commission (SCC) has already given its approval in an Order Amending Certificate of March 23, 1982, a copy of which is attached for your information. Under Virginia law, Va. Code Ann. §56-46.1 (1981 Repl. Vol.), before the SCC may approve such a transmission line, it must consider the environmental impact and "establish such conditions as may be desirable or necessary to minimize adverse environmental impact." A copy of 56-46.1 is also attached. As the order indicates, no one objected to Vepco's request for permission from the SCC to build the line.

In 1974 and 1976, the NRC was furnished considerable information about the planned 230 kV line. Copies of that correspondence are enclosed. The information supplied should be sufficient for your purposes. The proposed line is needed to serve a local need for power and to serve as an integral part of Vepco's transmission network. The line will not affect operation of the North Anna Power Station.

We are notifying you regarding this transmission line because of Mr. Youngblood's 1976 letter. No statute or regulation, however, requires the NRC to review or approve this 230 kV line. The NRC regulation 10 CFR §50.59 allows a licensee to make changes in a facility as described in the safety analysis report without prior Commission approval if the change does not involve a change in the technical specifications or an unreviewed safety question. Vepco's Station Nuclear Safety and Operating Committee (SNSOC) and Safety Evaluation and Control group have reviewed the 230 kV line and determined that it does not require a Technical Specifications or Environmental Technical Specifications change. These groups also determined that the line does not involve an unreviewed safety or environmental question.

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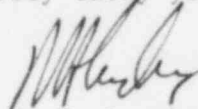
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VIRGINIA ELECTRIC AND POWER COMPANY TO Harold R. Denton

Furthermore, no approval is required under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §4321-69. Section 102(2)(C) of NEPA applies only to "major Federal actions," like the licensing of a nuclear power plant. It is true that the NRC reviews the environmental impact of transmission lines as part of the review of construction permit applications. See Detroit Edison Co. v. NRC, 630 F.2d 450 (6th Cir. 1980); Public Service Co. v. NRC, 582 F.2d 77 (1st Cir. 1978); Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3), ALAB-247, 8 AEC 936 (1974); Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), LBP-76-1, 3 NRC 37 (1976); Kansas Gas and Electric Co. (Wolf Creek Nuclear Generating Station, Unit 1), 5 NRC 1 (1977). In the case of North Anna, however, the station already has an operating license, and no further "Federal action" is required for the 230 kV line. NEPA does not expand the organic jurisdiction of any federal agency. Gage v. U. S. Atomic Energy Commission, 479 F 2d 1214, 1220 n.19 (D. C. Cir. 1973); Kitchen v. Federal Communications Commission, 464 F. 2d 801, 802-3 (D. C. Cir. 1972).

The existing facilities in the area, particularly in Charlottesville and along the existing Charlottesville to Remington 115 kV transmission line, will soon be inadequate to meet the growing electrical needs of the area. Therefore, in light of the findings of the SNSOC and the Safety Evaluation and Control group cited above and the apparent absence of NRC authority over the 230 kV line, Vepco plans to begin engineering and construction of the line during October 1982. If the NRC has any objection, please advise us as soon as possible.

Very truly yours,



R. H. Leasburg

Enclosures

cc: Mr. James P. O'Reilly
Regional Administrator
Region II