

# Commonwealth of Virginia



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November 23, 1979



DOCKET NUMBER  
PROD. & UTIL. REG. 50-33904

The Honorable Joseph M. Hendrie, Chairman  
United States Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Dear Mr. Hendrie:

There is a great deal of confusion regarding the Nuclear Regulatory Commission's policy concerning the licensing of new nuclear electric generating units. Virginia Electric and Power Company's (VEPCO) North Anna Unit No. 2 was scheduled for licensing in July, 1979. After reviewing your statements in the press, before Congress and in the Federal Register, I remain uncertain whether the licensing of North Anna Unit No. 2 is proceeding. As a representative of Virginia citizens, I am deeply concerned with the grave economic consequences that will result in any undue delay in licensing of this plant.

My staff has investigated this matter. I am informed that:

1. On August 24, 1979, Senior Vice President W. L. Proffitt of VEPCO responded to your Three Mile Island Lessons Learned Task Force Report. In that correspondence, which referred primarily to North Anna Unit No. 2, Mr. Proffitt informed your staff that work is complete and the unit is ready for safe operation.

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2. On October 25, 1979, C. M. Stallings, VEPCO Vice President of Power and Supply and Production Operations, responded to your September 27 letter to all licensees concerning issues raised by the Three Mile Island incident. This response supplements VEPCO's letter of August 24, providing information regarding VEPCO compliance with the Lessons Learned Task Force Report at North Anna Unit No. 2.

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3. On November 5, 1979, Governor John N. Dalton wrote you concerning the status of the licensing of North Anna Unit No. 2. In addition, Virginia State Corporation Commissioners Junie L. Bradshaw, Preston C. Shannon, and Thomas P. Harwood, Jr., expressed their concern to you in a telegram on November 8, 1979.

4. Your staff has not formally responded to VEPCO's August 24 and October 25 submissions regarding North Anna Unit No. 2 and you have not responded to either inquiry from State officials.

5. It has been estimated that each month's delay in the licensing of North Anna Unit No. 2 will cost VEPCO at least \$12 million in higher costs for alternate fuel. This loss cannot be recovered when North Anna Unit No. 2 finally is licensed. Reasonably incurred increased costs of fuel are passed on to customers in Virginia by our State Corporation Commission. VEPCO's customers, thus, face the possibility of paying millions of dollars in rate increases to cover these added expenses.

Based on my investigation, it seems that a general moratorium has been placed on the review of new plant licensing applications, and that VEPCO's application for authority to operate North Anna Unit No. 2 is receiving no review at all. If a general moratorium on the review of new plant applications is not the policy of the Commission, then I would urge you to respond to VEPCO's October 25 submission and expedite the review of VEPCO's North Anna Unit No. 2 license application. If you have stopped processing the North Anna Unit No. 2 application, I request that you renew consideration of it immediately.

By delaying the licensing procedures of the Nuclear Regulatory Commission, you are imposing an unjustifiable financial burden on the citizens of Virginia. The procedures for licensing nuclear plants protect the health and safety of Virginia citizens and should be allowed to continue at a reasonable pace.

Since this is a matter of urgent concern to the citizens of the Commonwealth of Virginia, I am asking that you respond to this letter by December 3, 1979. Absent an adequate

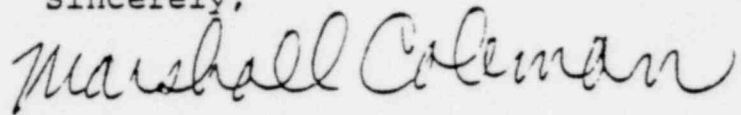
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response to our concerns by that date, I will consider the legal remedies available to the citizens of Virginia.

Sincerely,



Marshall Coleman  
Attorney General

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cc: The Honorable Victor Gilinsky  
The Honorable Richard T. Kennedy  
The Honorable Peter A. Bradford  
The Honorable John F. Ahearne  
The Honorable Harold R. Denton  
The Honorable John N. Dalton  
The Honorable Harry F. Byrd, Jr.  
The Honorable John W. Warner  
The Honorable Paul S. Tribble  
The Honorable G. William Whitehurst  
The Honorable David E. Satterfield, III  
The Honorable Robert W. Daniel, Jr.  
The Honorable W. C. Daniel  
The Honorable M. Caldwell Butler  
The Honorable J. Kenneth Robinson  
The Honorable Herbert E. Harris, II  
The Honorable William E. Wampler  
The Honorable Joseph L. Fisher  
The Honorable Preston C. Shannon  
The Honorable Junie L. Bradshaw  
The Honorable Thomas P. Harwood, Jr.

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