

Charlottesville, Virginia
December 1, 1978

Mailing Address: 412 Owens Drive
Enterprise, Alabama 35801
(205) 536-0678

The Honorable Harry F. Byrd, Jr.
U. S. SENATE
127 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Byrd:

May we prevail upon you to use your good offices to
get answers for the Coalition to the two letters enclosed:

—letter of September 2, 1978 regarding
request made to the Justice Department
in letter of August 25, 1978; enclosed
letter is addressed to Assistant Attorney
General James W. Moorman

—letter of November 1, 1978 regarding
material false statements dealing with
abnormal settlement at North Anna nuclear
power station; enclosed letter is ad-
dressed to the U. S. Nuclear Regulatory
Commissioners

We would be most appreciative of your help in this regard.

As you are no doubt aware, the Coalition has devoted
much of the last six years to the study of nuclear problems
in Virginia and their regulation. Unfortunately, it was
only efforts on the part of the Coalition that made public
the fact of the fault beneath the North Anna reactors and
led ultimately to the false statement conviction and fine
against VEPCO.

It is our hope that soon actions such as those alluded
to in the above mentioned letters will be initiated by
government agencies rather than by unstaffed citizen groups.

We shall be most appreciative of your assistance in
attaining responses to the above letters.

Sincerely,

June Allen
June Allen (Mrs. F. K.)
VAC President

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Charlottesville, Virginia
November 1, 1978

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Chairman Joseph P. Hendrie
Commissioner John Ahearne
Commissioner Victor Gilinsky
Commissioner Richard Kennedy
Commissioner Peter Bradford
U. S. NUCLEAR REGULATORY COMMISSION
Washington, D. C. 20555

Re: 1977 Material False
Statements
Docket Nos. 50-338
and 50-339 OL

Gentlemen:

As the Commissioners are surely aware, Criteria for Determining Enforcement Action and Categories of Noncompliance with NRC Regulatory Requirements (Modifications, December 31, 1974) clearly state (page 6):

An order is ordinarily issued to revoke a license when:

...;

2. Civil penalty proves to be ineffective as an enforcement action; or

...;

6. Any material false statement is made in the application or in any statement of fact required under Section 162 of the Act.

These Criteria were further clarified by the Commissioners' ruling of November 12, 1976 which found that omissions of significant safety information did indeed constitute "material false statements."

Because of action initiated by the North Anna Environmental Coalition (NAEC), VEPCO was ultimately fined \$32,500 for having submitted seven material false statements to the Atomic Energy Commission regarding foundation conditions at its North Anna site. Unfortunately, the need for this regulatory action was originally denied by the regulatory staff and ignored by the Advisory Committee on Reactor Safeguards when approached by NAEC in 1974.

Once again, in 1978, it would appear from information available to NAEC that significant safety information regarding foundation conditions at the North Anna site was withheld from NRC for seven months and never supplied to the Atomic Safety and Licensing Board during Operating License deliberations:

—By August of 1977, average settlement beneath the North Anna pump house for Units 1 and 2 had already reached 5.88 inches or 75% of its allowable limit for the 40-year life of the plant.
(See p. of 7-19 Rizzo report & Fig. 4-C of 5-31 VEPCO report.)

—No report was made until April 26, 1978 per NRC Region II.
(North Anna's Operating License was granted April 1, 1978.)

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Although the Operating License Hearing was re-opened on December 29, 1978 for the consideration of other information withheld by VEPCO, no mention was made at that time of the new limits reached in abnormal and differential settlement at the site. VEPCO had known these limits in August.

The Northwest Corner had reached 8.42" of settlement four months prior to the hearing as measured by VEPCO's constructor Stone & Webster. Although the average settlement of 5.88" was significant and reportable in August of 1977, we mention the NW measurement because the pipes enter the north wall, and are at risk from differential settlement.

This additional risk from the rapid additional settlement measured between May and August of 1977 was reportable under the provision of 10 CFR 50.55(e) even before it fulfilled the reporting requirements of the Technical Specifications of the License.

That VEPCO failed to timely report the settlement in August of 1977 leads the Coalition once again to ask the Commissioners to revoke VEPCO's North Anna Operating License on the grounds that

--Previous civil penalties for inaccurate, (2)
false, or omitted reporting have been ~~in-~~
effective as enforcement actions; and

--Failure to report the anomalous settlement (6)
measured in August of 1977 constituted a
"material false statement" in accordance with
the Commission's ruling of November 12, 1976

Further, as the settlement problem has been discussed before the ACRS, it has been obvious that because settlement causes and sapro-litic behavior are so poorly understood, surveillance and timely reporting were the only safety measures available. VEPCO's failure, habitual, in this area gives the Commissioners no choice of integrity but to enforce their own regulations and revoke the North Anna li-cense.

We urge your prompt action against this material false state-ment, and hope that in this instance a hearing and enforcement will be initiated by the Commissioners rather than by a citizen group. Thank you for your professional interest.

Sincerely,

Jane Allen (Mrs. P. M.)
President, NAC

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