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FILE NO. V-8-50-20-41-2

DIRECT DIAL NO 804 788-8368

July 25, 1979

Valentine B. Deale, Esquire
1001 Connecticut Avenue, NW
Washington, D.C. 20036

In the Matter of Virginia Electric and Power Company
(North Anna Power Station, Units 1 and 2)
Doc. Nos. 50-338 SP and 50-339 SP

Dear Mr. Deale:

This letter will document the phone conversation I had with you yesterday in my attempt to schedule a conference call among the Board and parties. I told you then that the purpose of the proposed conference call was to discuss a schedule for serving written testimony about any contentions that are not now issues in this proceeding but may soon be if the Board reinstates some of the issues that were earlier disposed of summarily or if the Board decides that evidence must be presented on the Minnesota v. NRC issue. (The deadline for serving testimony for the August 14 hearing, under 10 CFR § 2.743(b), may be as early as next Monday, July 30.) I indicated that I would ask during the conference call that the Board approve an

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agreement that I had reached with intervenors' counsel, namely that if the Board should admit additional issues into this proceeding, neither Vepco nor the intervenors would object to the filing of testimony on those issues five business days after receiving notice of the Board's order or August 7, whichever might come earlier.

I understood you to say yesterday that you are presently busy with another hearing, which I gather would make a conference call on the dates I suggested difficult, but (subject to checking with your fellow Board members) that the Board would probably not object to the schedule outlined above, provided none of the parties objected either. I said that with that understanding perhaps a conference call would not be necessary after all, and I promised to phone the intervenors to confirm that they had no objection to the proposed schedule and to call NRC Staff counsel to ask if he objected.

I phoned counsel for the intervenors and Staff and related my conversation with you. Both intervenors and Staff agreed that, insofar as the issues that may be reinstated after the Board's reconsideration of Vepco's summary disposition motion are concerned (that is, the issues of Thermal Effects, Radioactive Emissions - Normal

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Operation, Materials Integrity, Corrosion, Occupational Exposure, and Alternatives), a filing schedule of (1) five business days after receipt of notice that the Board has reinstated the issues or (2) August 7 (whichever comes first) is acceptable. The agreement is acceptable to the Staff only with the understanding that both Vepco's and the intervenors' testimony be in the hands of Staff counsel by August 7, and so Vepco will undertake to deliver both its own testimony and the intervenors' by hand on August 7 if that becomes necessary.

The issue (or issues) raised by Minnesota v. NRC, Nos. 78-1269 & 78-2032 (D.C. Cir. May 23, 1979), and the Intervenors' Motion to Amend Petition to Intervene of June 15, 1979, on the other hand, are a different matter, and there is no agreement among the parties as to the filing schedule for testimony on such issues. If the Board decides that testimony on the Minnesota v. NRC issue must be presented before the high-density racks are installed, then Vepco will ask permission to file such testimony very shortly after we learn the Board's decision.

If the Board should decide to hear evidence on additional issues, I hope it will notify all the parties by telephone so that we may file testimony promptly.

For the Board's information I am attaching a notice

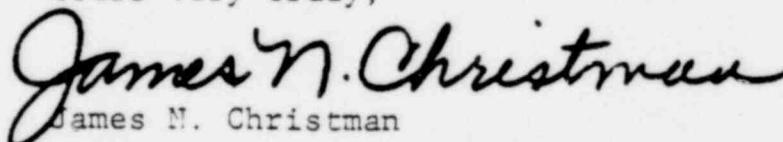
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of a license amendment (44 Fed. Reg. 40457) issued to Duke Power Company that postdates Minnesota v. NRC. I make no representation whatsoever about its value as precedent, because the other parties might well disagree with my views on the matter. I do think the Board should be aware of it, however.

Also, Vepco has asked me to inform the Board and parties that a statement in the FSAR that the spent fuel is protected from missiles with trajectories less than approximately 45° above horizontal, which is repeated in Vepco's testimony and motion for summary disposition, requires qualification. The precise angle of protection is 43.7° and is for missiles entering the pool directly from the south side of the pool. If missiles were to come from directions approaching either the southwest or the southeast, the protection angle would decrease until the trajectories are blocked by the containments. The smallest angle of protection is 23° above the horizontal, which is for the largest possible trajectory over the stored fuel.

Yours very truly,


James N. Christman

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Attachment

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cc: Dr. Quentin J. Stober
Mr. Ernest E. Hill
James B. Dougherty, Esquire
Steven C. Goldberg, Esquire
Anthony J. Gambardella, Esquire
Chief, Docketing and Service Section
Atomic Safety and Licensing Board Panel
Atomic Safety and Licensing Appeal Board
Citizens' Energy Forum, Inc.

Signed at Washington, D.C. this 3rd day of July 1979.

James F. Taylor,
Director, Office of Management,
Administration, and Planning.
NRC Doc. 79-21289 Filed 7-9-79; 8:43 am
BILLING CODE 4510-25-M

NUCLEAR REGULATORY COMMISSION

(Docket No. 50-2611)

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-23, issued to the Carolina Power and Light Company, (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of the date of its issuance.

The amendment revises the facility license and Technical Specifications to provide for a power increase from 2200 MWt to 2300 MWt.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on April 30, 1974 (39 FR 15061). One party, Mr. John D. Whisenhunt, petitioned to intervene in accordance with 10 CFR 2.714 of the Commission's rules of practice, and his petition was granted.

Mr. Whisenhunt withdrew from the proceeding in 1977. On May 9, 1979, licensee moved to terminate the proceeding since it had become uncontested. On June 26, 1979 the Licensing Board granted this motion and terminated the proceeding.

The environmental impacts associated with operation of the facility at 2300 MWt have been considered in the Commission's Final Environmental Statement dated April 1975. In a proceeding which has been consolidated for consideration with this proceeding.

the Atomic Safety and Licensing Board has reviewed these environmental impacts and by Partial Initial Decision of June 18, 1978 (7 NRC 1052) found that the benefits of continued operation of the facility outweigh the attendant environmental impacts and costs.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1974, as supplemented March 12, April 12 and 29, May 17 and June 4, 1974, December 29, 1977, and March 14 and 20, 1978; (2) Amendment No. 39 to License No. DPR-23; (3) the Commission's related Safety Evaluation dated May 20, 1974 and supplemented July 31, 1975 and March 30, 1979; and (4) the Atomic Safety and Licensing Board's Order Granting Applicant's Motion to Terminate Proceeding dated June 26, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of June 1979.

For the Nuclear Regulatory Commission,
A. Schwencer,
Chief, Operating Reactors Branch #1,
Division of Operating Reactors.

NRC Doc. 79-21232 Filed 7-9-79; 8:45 am
BILLING CODE 7590-01-M

(Dockets Nos. 50-269, 50-270 and 50-287) 50-287

Duke Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 72, 72, and 09 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised Technical Specifications for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance. These amendments revise the provisions of the Station's common Technical Specifications to allow an increase in the spent fuel storage capacity from 336

to a maximum of 750 fuel assemblies in the Unit 1/2 common spent fuel pool through the use of high capacity spent fuel racks.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of the Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the Federal Register on March 8, 1979 (44 FR 12303). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Station dated March 1972.

For further details with respect to this action, see (1) the application for amendment dated February 2, 1979, as supplemented April 20 and May 2, 1979, (2) Amendments Nos. 72, 72 and 69 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of June 1979.

For the Nuclear Regulatory Commission
Robert W. Reid,

Chief, Operating Reactors Branch #4,
Division of Operating Reactors.

NRC Doc. 79-21233 Filed 7-9-79; 8:45 am
BILLING CODE 7590-01-M

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