

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD



NRC PUBLIC DOCUMENT ROOM

In the Matter of)	
)	
VIRGINIA ELECTRIC AND POWER)	Docket Nos. 50-338SP
COMPANY (VEPCO))	50-339SP
)	
(North Anna Power Station)	Proposed Amendment to
Units 1 and 2))	Operating License NPF-4

Order Partially Granting VEPCO's
Motion For Summary Disposition

1. Virginia Electric and Power Company (VEPCO) filed its Motion for Summary Disposition on May 11, 1979, meeting the time limit prescribed for such a motion under 10 CFR §2.749.

2. The latter regulation states in part:

"(a) Any party to a proceeding may, at least forty-five(45) days before the time fixed for the hearing, move, with or without supporting affidavits, for a decision by the presiding officer in that party's favor as to all or any part of the matters involved in the proceeding...."

3. At the time of the filing of the VEPCO's Motion for Summary Disposition, the time of the hearing had been set by the Licensing Board in its Notice of Hearing, issued May 4, 1979, as immediately following the conclusion of the prehearing conference fixed for June 26, 1979. The

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date of VEPCO's Motion for Summary Disposition, namely May 11, 1979, was forty-five days before the date of the prehearing conference.

4. The contentions specified for attention at the scheduled hearing were identified by the Licensing Board in its Order Granting Intervention, Providing for a Hearing and Designating Contentions of Intervenor, dated April 21, 1979 and in the Licensing Board's Order Amending Order Granting Intervention, Providing for a Hearing and Designating Contentions of Intervenor, dated June 6, 1979.

5. VEPCO's Motion for Summary Disposition addressed these contentions. Answers to VEPCO's Motion were received from the NRC Staff, Citizens Energy Forum and Potomac Alliance.

6. After consideration of VEPCO's Motion for Summary Disposition and the Answers thereto, the Licensing Board grants VEPCO's Motion with respect to the following contentions identified as follows in the Licensing Board's Order Granting Intervention, Providing for a Hearing and Designating Contentions of Intervenor, dated April 21, 1979:

Thermal Effects

*Radioactive Emissions

Materials Integrity

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Corrosion

Occupational Exposure

Alternatives

*VEPCO's Motion for Summary
Disposition is granted with
respect to this contention only
to the extent that the conten-
tion concerns normal operations

7. This notification, which will be later amplified with an explanation therefor, is in keeping with the Licensing Board's announcement in its order of June 6, 1979 entitled Reschedule of Hearing (page 3): "The parties will be notified by the Licensing Board as soon as practicable of such contentions designated for hearing which have been disposed of as a result of VEPCO's Motion for Summary Disposition, dated May 11, 1979."

8. The Licensing Board requests that the NRC Staff complete its Answer to VEPCO's Motion for Summary Disposition on or before June 25, 1979, so that by then the NRC Staff's Answer to VEPCO's motion will be completely responsive to VEPCO's position on each contention scheduled for hearing. Potomac Alliance, which under the Licensing Board's consolidation order of June 6, 1979 also speaks in this proceeding for Citizens Energy Forum (CEF), may also submit additional comments on that part of VEPCO's Motion for Summary Disposition which this Board to-date

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has not acted upon, provided that such comments are filed on or before June 25, 1979.

Done on this 18th day of June 1979 at Washington,
D.C.

ATOMIC SAFETY AND
LICENSING BOARD

By


Valentine B. Deale

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