

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman  
Dr. John H. Buck  
Michael C. Farrar



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In the Matter of )  
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VIRGINIA ELECTRIC AND POWER COMPANY )  
 )  
(North Anna Nuclear Power Station, )  
Units 1 and 2 )  
\_\_\_\_\_ )

Docket Nos. 50-338 OL  
50-339 OL

MEMORANDUM

February 12, 1980

In an evidentiary hearing conducted by us last June, the applicant and the NRC staff presented testimony on the issue of the likelihood that turbine missiles might strike and damage vital structures or components of the North Anna facility.<sup>1/</sup> Because of recently-discovered turbine disk cracking at a number of operating nuclear plants, those parties may be required

1/ This issue was raised by this Board sua sponte in the course of its review of the Licensing Board decision authorizing the issuance of operating licenses for Units 1 and 2 of North Anna. See ALAB-491, 8 NRC 245 (1978); see also ALAB-529, 9 NRC 153 (1979). Another, and independent, safety issue considered at the June hearing has just been decided. ALAB-578, 11 NRC \_\_\_\_ (February 11, 1980).

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to revise some of that testimony. In addition, the applicant has informed us that the turbine manufacturer, the Westinghouse Electric Corporation, is engaged in a re-analysis of the energy associated with the missiles resulting from a disintegration of a turbine disk. It is possible that, following the completion of the re-analysis, the testimony previously given on that subject also will have to be modified.

In these circumstances, we must obviously now withhold decision on the turbine missile issue. At the same time, however, we are confronted with the immediate question of whether continued operation of Unit 1 of the North Anna facility<sup>2/</sup> should be permitted pending the outcome of the further inquiries into the turbine disk cracking and missile energy matters.

Yesterday afternoon, we held a telephone conference with counsel for the applicant and the staff<sup>3/</sup> for the purpose of exploring how consideration of that question should be undertaken. On the basis of the discussion during the conference, we announced at its conclusion that an evidentiary hearing

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<sup>2/</sup> Unit 2 is not currently in operation.

<sup>3/</sup> Neither of the intervenors in the proceeding (Mrs. Geraldine Arnold and the Commonwealth of Virginia) participated in that part of the June 1979 hearing devoted to the turbine missile issue.

would be tentatively scheduled for 9:30 a.m. on Thursday, February 21, 1980 in the NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland. If held, the hearing will be in camera in recognition of the fact that at least some of the evidence likely to be presented will encompass information both supplied by Westinghouse and claimed by that corporation to be proprietary in character. This means that, apart from counsel and the witnesses, no person will be admitted to the hearing room unless he or she (1) has a direct involvement in the matter under consideration; and (2) has explicitly agreed in writing not to make further disclosure of the content of any Westinghouse-supplied information. It further means that the transcript of the hearing will be withheld from public disclosure.<sup>4/</sup>

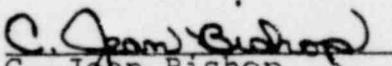
The reason that a hearing has been tentatively, rather than definitely, scheduled is that the applicant has committed itself to furnishing us by this Saturday, February 16, with a written documentation of its position that Unit 1 can be

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<sup>4/</sup> We have not passed upon the validity of the Westinghouse proprietary claim and do not propose to do so at this time. Should we later determine (after providing Westinghouse with an opportunity to be heard) that the claim is insubstantial, the restrictions on disclosure of any information supplied by it at the hearing (or otherwise) will be lifted.

allowed to continue in operation pendente lite without endangering the public health and safety. In the applicant's view, this presentation may satisfy us on the point without the need for holding a formal hearing. For its part, the staff will endeavor to supply us with its own appraisal of the matter by next Tuesday, February 19 (although its counsel was not prepared to make any firm commitment in that regard). We will, of course, give prompt and careful consideration to the applicant's submission, as well as to anything which might be received from the staff. By no later than the morning of February 20, counsel will be advised respecting whether the hearing will be held as tentatively scheduled or, instead, cancelled.<sup>5/</sup>

FOR THE APPEAL BOARD

  
C. Jean Bishop  
Secretary to the  
Appeal Board

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<sup>5/</sup> Because two members of this Board will be involved in hearings in other proceedings during the following week, it is not likely that the hearing will be postponed to a later date; i.e., if it is not cancelled, it will be held on February 21 as now scheduled.

Although, as earlier noted, neither intervenor participated in last June's hearing on the turbine missile issue, their counsel have been orally notified of the foregoing. Should one or both wish to attend the February 21 hearing (if held), an agreement to abide by the restrictions upon public disclosure of any assertedly proprietary information will have to be first executed. Upon being informed of their intention to appear, such an agreement will be prepared by this Board. Needless to say, intervenors' counsel will be advised of the decision on whether the hearing will go forward at the same time that counsel for the applicant and staff are notified.