

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

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In the Matter of)	
)	
VIRGINIA ELECTRIC AND POWER)	Docket Nos. 50-338 OL
COMPANY)	50-339 OL
)	
(North Anna Nuclear Power)	
Station, Units 1 and 2))	
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MOTION TO FILE
A BRIEF AMICUS CURIAE

Pursuant to 10 CFR 2.715(d), the Union of Concerned Scientists ("UCS") moves the Board to permit it to file the enclosed brief amicus curiae.

In ALAB-491, the Appeal Board retained jurisdiction of this question: whether and why it is acceptable to permit the North Anna units to operate in the face of unresolved safety issues concerning the adequacy of protection against damage caused by missiles generated either inside or outside the plant.^{1/} The Staff was ordered to file sworn statements with the Board addressing this issue.

The Union of Concerned Scientists ("UCS") has obtained a copy of the Staff's response to ALAB-491. We wish to make it clear that UCS has not evaluated in detail all of the Staff's assertions concerning the measures at North

1/ ALAB-491 (Aug., 25, 1978) Sl.Op. at 8.

Anna which allegedly compensate for the lack of a resolution of the turbine missile question.^{2/} UCS wishes only to address a very narrow question: may the Staff validly base continued operation of North Anna, in the face of the unresolved turbine missile question, upon the purported "low probability" of a turbine missile accident, particularly when the probability relied upon is specifically derived from WASH-1400, the Reactor Safety Study?

UCS is a non-profit, public interest organization, which grew out of a faculty group at the Massachusetts Institute of Technology in the late 1960's. It represents a coalition of scientists, engineers and academicians supported by over 50,000 members of the public. UCS' primary areas of interest are the health, safety, environmental and national security issues posed by civilian reactor development and nuclear weapons proliferation. UCS has published numerous technical reports on various aspects of nuclear technology and has been involved in a number of proceedings before the NRC.

UCS has a particular interest in the issue identified above, that is, the propriety of basing continued operation of reactors on WASH-1400 - derived probability in the face of documented safety questions. UCS has posed a variant of

2/ In this regard the Appeal Board may wish to refer to the Limited Appearance of Robert D. Pollard on Behalf of the Union of Concerned Scientists, May 31, 1977, pp. 7-10.

the same question to the Commission in the UCS Petition for Emergency and Remedial Action^{3/}, which presently has the matter under consideration. The only pertinent difference is that the issue in the Petition for Emergency and Remedial Action has primarily been discussed in the context of plants for which the operating license proceedings have concluded. The issue is substantially cleaner here, where it is unobscured by the question of whether a different standard applies after the conclusion of operating license proceedings. The decision here is likely to affect the outcome of the Petition for Emergency and Remedial Action, insofar as it will be cited as support for the proposition that continued operation of plants with known safety defects may be based on probabilities. In addition, UCS has a special interest in the propriety of using WASH-1400 as a basis for NRC licensing and regulatory actions. The organization has published a detailed technical critique of WASH-1400 entitled "The Risks of Nuclear Power Reactors, A Review of the NRC Reactor Safety Study, WASH-1400," (1977).

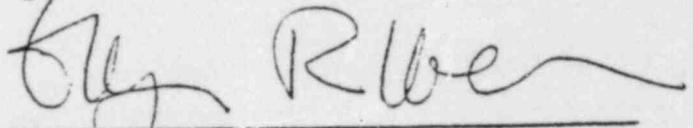
UCS is not on the service list for this proceeding and thus did not have a copy of the Staff's response until October 11th. Under the circumstances, this brief is as timely as possible. Consideration of the points raised herein should

^{3/} The Commission granted UCS' Motion for Reconsideration, a copy of which is attached hereto. Your attention is particularly directed to pages 13 and 14.

not unduly delay the Appeal Board's resolution of the matter. In addition, it is in the public interest for the Appeal Board to consider UCS' views, particularly since there are no intervenors at the appellate stage and the record would otherwise be silent on these points.

Submitted by the Union of
Concerned Scientists

By:

A handwritten signature in cursive script, appearing to read "Ellyn R. Weiss", written over a horizontal line.

Ellyn R. Weiss
Sheldon, Harmon, Roisman & Weiss
1025 15th Street, N.W.
Suite 500
Washington, D.C. 20005
(202) 833-9070

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