

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION 3/23/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
VIRGINIA ELECTRIC AND POWER COMPANY)	Docket Nos. 50-338 OL
)	50-339 OL
(North Anna Nuclear Power Station,)	(Proposed Amendments to Facility
Units 1 and 2))	Operating License NPF-4 to Permit
)	Storage Pool Modification)

STIPULATION OF CONTENTIONS

In view of the substantial number of matters which were at issue between the Citizens' Energy Forum (CEF), the Virginia Electric and Power Company (Applicant), and the NRC Staff (Staff), these parties have conducted further conferences in an attempt to simplify the issues now before the Board. The Staff, Applicant, and CEF, by their respective attorneys or representatives, hereby stipulate and agree as follows:

1. CEF agrees that the sole contentions it is asserting in this proceeding are those set forth in Attachments A and B hereto, subject to the reservation set forth in paragraph 8 below.
2. Except as set forth in Attachments A and B, CEF hereby withdraws all other contentions submitted in all of its previous petitions and filings.

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3. All parties to this Stipulation agree that the contentions set forth in Attachment A may be admitted for consideration as matters in controversy among the parties in this proceeding.
4. CEF asserts that the unstipulated contentions set forth in Attachment B should be admitted as matters in controversy. Both the Staff and Applicant assert that the unstipulated contentions set forth in Attachment B are not admissible.
5. The parties to this Stipulation will present statements of their positions with respect to any of the unstipulated contentions in Attachment B at the prehearing conference scheduled for March 29-30, 1979.
6. The parties have entered into this stipulation in a spirit of compromise and cooperation with the goal of minimizing procedural disputes; therefore, no agreements by any party herein shall be construed as a waiver of any rights to invoke any of the Commission's

rules and regulations with respect to arguing the admissibility or inadmissibility of any of the unstipulated contentions.

7. Nothing contained in this Stipulation shall be deemed to prevent CEF from filing new or amended contentions upon a showing of good cause as required by §2.714 of the Commission's regulations.
8. Nothing contained in this Stipulation:
 - (a) shall be deemed an admission by the Staff or Applicant of the merits of any contention or the validity of any allegation of fact or law stated in any contention; nor,
 - (b) shall be construed as a waiver by any party to this Stipulation of any rights with respect to the admissibility of evidence pursuant to 10 CFR §2.743 of the Commission's regulations.
9. Each party to this Stipulation expressly reserves any right to move for summary disposition pursuant to 10 CFR §2.749 of the Commission's regulations.

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ATTACHMENT A

HEAT (Formerly Contention #2)

Intervenor contends that the possible environmental impacts in the vicinity of the North Anna Power Station caused by the additional 6 MBTU/hr of heat to be discharged as a result of the proposed modification have not been adequately addressed by the NRC Staff and the Applicant.

HEAVY LOADS (Formerly Contention #3)

Intervenor contends that the design basis accident postulated by the Applicant does not adequately address the consequences of an accident involving the dropping of a spent fuel assembly in the area of the spent fuel pool, in light of the proposed modification, in that it fails to consider the dropping of an assembly onto a fully loaded storage rack. The possible effects of such an accident have yet to be established, and are still under study by the NRC, which views the issue seriously enough to have initiated a generic review. In addition, the NRC has provided no documentation to support its determination in its January 29, 1979 Safety Evaluation (page 1-4) that "the likelihood of a heavy load handling accident is sufficiently small that the acceptability of the proposed modification is not affected . . ."

EMISSIONS (Formerly Contention #6)

Intervenor contends that VEPCO has neglected to address the additional liquid and gaseous radioactive emissions that will result from the increased

ATTACHMENT A (continued)

fuel storage, and the effect of these emissions on the biological community in the vicinity of the spent fuel pool has not been adequately addressed. Applicant's analyses of radiation released, and of possible releases in the event of those accidents considered in Sections 9.1 through 9.4 of the application, are superficial and insubstantial in the Summary of Proposed Modifications.

LEAKAGE (Formerly Contention #9)

Intervenor contends that VEPCO fails, in its Summary of Proposed Modifications, to identify the effects of an accidental leakage of spent fuel pool water due to a crack in the pool liner. Specifically, the rate of temperature rise in the pool and the amount of radioactive emissions from the pool are not enumerated, in light of the additional spent fuel to be stored in the pool.

NO PROVEN NEED (Formerly Contention #19)

Intervenor contends that the Applicant has failed to demonstrate the present need to make the proposed modification; and that deferral of the proposed modification until such time as it may be necessary would cause no undue cost or other hardship to the Applicant or the public.

ATTACHMENT A (continued)

CORROSION (Formerly Contentions #11, 12, 15, 20)

Intervenor contends that there has been an inadequate examination of the problems that may arise due to a potential incremental increase in the amount of corrosion upon the spent fuel assemblies and racks over the duration of storage of fuel in the pool, including their eventual removal from the pool. Such problems include, but are not limited to, the ability of the spent fuel pool purification system to remove any potential incremental impurities.

HOT SPOTS (Formerly Contention #7)

Intervenor contends that, because of the proposed modification, the spent fuel pool cooling system will be inadequate to prevent "hot spots" and possible boiling.

ATTACHMENT B

FINAL GEIS (Formerly Contention #18)

Intervenor contends that, as per the conclusion of GAO Report 77-41, "NUclear Energy's Delemma: Disposing of Hazardous Radioactive Waste Safely," the NRC should not permit spent fuel compaction unless a reactor is threatened with shutdown, pending a final generic environmental impact statement. Intervenor further contends that the NRC's policy of granting spent fuel compaction on a case-by-case basis without the benefit of a final generic environmental impact statement violates the National Environmental Policy Act.