

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

(North Anna Nuclear Power
Station, Units 1 and 2)

)
) Docket Nos. 50-338 OL
50-339 OL

) (Proposed Amendments to Facility
) 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 Potomac Alliance (Alliance) 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 Alliance, by their respective attorneys, hereby stipulate and agree as follows:

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

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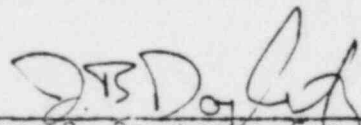
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3. All parties to this Stipulation agree that the contentions set forth in Attachment A may be admitted for consideration as matters in controversy among the parties in this proceeding.
4. Alliance and the Staff further agree that the unstipulated contentions set forth in Attachment B may also be considered as matters in controversy in this proceeding. Applicant does not agree that the unstipulated contentions set forth in Attachment B are proper contentions to be admitted as matters in controversy.
5. Alliance asserts that the unstipulated contentions set forth in Attachment C should be admitted as matters in controversy. Both the Staff and Applicant assert that the unstipulated contentions set forth in Attachment C are not admissible.
6. The parties to this Stipulation will present statements of their positions with respect to any of the unstipulated contentions in Attachments B and C at the prehearing conference scheduled for March 29-30, 1979.
7. 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

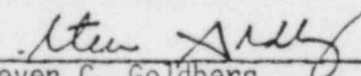
rights to invoke any of the Commission's rules and regulations with respect to arguing the admissibility or inadmissibility of any of the unstipulated contentions.

8. Nothing contained in this Stipulation shall be deemed to prevent Alliance from filing new or amended contentions upon a showing of good cause as required by §2.714 of the Commission's regulations.
9. 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.
10. 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.

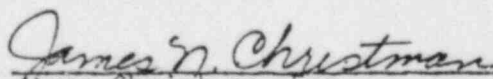
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Potomac Alliance

3-29-79


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3/29/79


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Counsel for Applicant

ATTACHMENT A

Accidents

The Intervenor contends that the proposed modification of the spent fuel pool will increase both the likelihood and the consequences of an accident involving turbine or tornado missiles, and that the Applicant has not demonstrated that the pool, as modified, will withstand such accidents within the limits set forth in NRC Regulations.

Materials integrity

The Intervenor contends that increasing the inventory of radioactive materials in the spent fuel pool will increase the corrosion of, the stress upon, and resultant problems concerning the components and contents of the pool. The Applicant has not adequately addressed such potential problems with respect to:

- (a) the fuel cladding, as a result of exposure to decay heat and increased radiation levels during extended periods of pool storage; and
- (b) the racks and pool liner, as a result of exposure to higher levels of radiation during pool storage.

ATTACHMENT A (continued)

Emissions

The Intervenor contends that the Applicant has failed to analyze adequately the liquid and gaseous radioactive emissions that will result from the proposed increase in fuel storage capacity, and has failed to demonstrate that significant adverse environmental effects will not result from such emissions.

Alternatives

The Intervenor contends that neither the Applicant nor the Staff has adequately considered alternatives to the proposed action. The alternatives which should be considered are:

- (a) the construction of a new spent fuel pool onsite;
- (b) the physical expansion of the existing spent fuel pool;
- (c) the use of the spent fuel pool at North Anna Units 3 and 4, (including the completion of construction of such pool, if necessary) for storage of spent fuel from Units 1 and 2.

ATTACHMENT B

Occupational exposure

The Intervenor contends that the Applicant has not demonstrated that it will prevent the increased occupational radiation levels which will result from the spent fuel pool modification from leading to occupational doses in excess of those permitted under NRC regulations.

ATTACHMENT C

Alternatives

The Intervenor contends that neither the Applicant nor the Staff has adequately considered alternatives to the proposed action. The alternatives which should be considered are:

- (a) the use of design features which increase the safety of the spent fuel pool, such as boral plates or radiation-absorbing safety curtains;
- (b) the use of different rack configurations from that proposed by the Applicant;
- (c) the derating of Units 1 and/or 2, in order to postpone the point at which additional spent fuel storage capacity will be needed.