

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of)
)
VIRGINIA ELECTRIC AND POWER COMPANY) Docket Nos. 50-338/339
) OLA-1 and OLA-2
)
(North Anna Power Station,) (Receipt and Storage of
Units 1 and 2)) Spent Fuel)
) (Expansion of Spent
) Fuel Pool)

REPLY OF INTERVENORS COUNTY OF LOUISA, VIRGINIA
AND THE BOARD OF SUPERVISORS OF THE COUNTY OF LOUISA
TO THE RESPONSES TO INTERVENORS' CONTENTIONS

Intervenors County of Louisa, Virginia and the Board of Supervisors of the County of Louisa ("Louisa County" or "the County"), having reviewed the Responses of the Applicant and the NRC Staff to the County's Contentions in the above-captioned proceeding, hereby reply to those Responses. Louisa County intends to participate fully in the Prehearing Conference scheduled for February 16, 1983, and is aware that filing a Reply prior to a Prehearing Conference is not customary. However, the County believes that identification of some of its primary points of disagreement with Applicant and the Staff may help to focus the discussion at the Prehearing Conference. Accordingly, without limiting its right to participate fully in the Prehearing Conference, the County offers the following points for the Atomic Safety and Licensing Board's consideration.

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1. In response to the Staff's request that the County delineate which portions of the discussion are contentions and which portions are the supporting bases for the contentions, the County notes that the Staff was correct in assuming that the first sentence of each section is the contention and the remaining discussion is the support for the contention.

2. While the County has no objection to deferring consideration of the proper scope of the environmental review required by the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et. seq., until after the Staff has completed its Environmental Impact Appraisal, the County continues to believe that granting the applicant's requested license amendments would constitute a major federal action for which an environmental impact statement (EIS) is required.

3. NEPA and the case law interpreting the statute clearly impose on federal agencies certain obligations that arise whether or not the proposed action is one for which an EIS is required. Among those obligations is the requirement to minimize adverse environmental impacts, Public Service Co. v. U.S. Nuclear Regulatory Commission, 582 F.2d 77, 81 (1st Cir. 1978), a requirement that necessarily includes an obligation to review the need for, and alternatives to, the proposed action. Because NRC regulations and precedents must be interpreted so as to be consistent with the governing statute and relevant judicial decisions, the obligations to review the need for, and alternatives to,

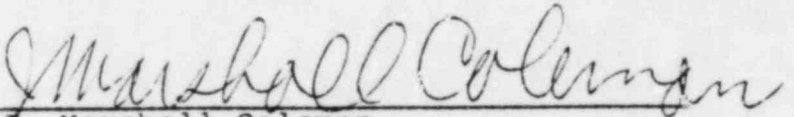
Applicant's proposal may not be avoided, even if it is ultimately determined that a full EIS is not required. Township of Lower Alloways Creek v. Public Service Electric & Gas Co., 687 F.2d 732, 739n.14 (3d Cir. 1982).

4. NEPA requires environmental analysis of the proposed federal action and does not permit the sophistic segmentation proposed by Applicant and supported by the NRC Staff. Vepco's plan--to remove spent fuel from Surry, transport it to North Anna, expand the spent fuel pool at North Anna, and store the Surry fuel there--is one plan, which has never undergone NEPA analysis.

5. The Staff's and Applicant's arguments that the environmental, health and safety, and other consequences of the transportation of spent fuel from Applicant's Surry Nuclear Power Station (Surry) to its North Anna Nuclear Power Station (North Anna) are beyond the scope of these proceedings exalt form over substance. It would be impossible for the Applicant to receive and store Surry spent fuel at North Anna if the spent fuel had not been transported. For the Board to ignore the fact that transportation is an integral part of Applicant's plan, particularly when NRC approval of the transportation routes was issued without notice or an opportunity for affected parties such as the County to comment, would be a clear denial of the County's due

process rights to participate in proceedings by which it will be affected.

Respectfully submitted,


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February 9, 1983

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Reply of Intervenor County of Louisa, Virginia and the Board of Supervisors of the County of Louisa to the Responses to Intervenor's Contentions upon each of the persons named below by depositing a copy in the United States mail, properly stamped and addressed to him at the address set out with his name:

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Washington, D.C. 20555
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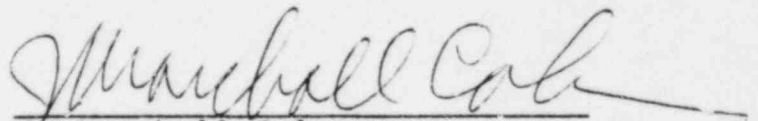
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February 9, 1983


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