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December 7, 1982

Mr. Sheldon J. Wolfe, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Reference: Virginia Electric and Power Co.
(North Anna Power Station, Units 1 and 2)
Docket Nos. 50-338 OLA-1 and OLA-2;
50-339 OLA-1 and OLA-2

Dear Mr. Wolfe:

This letter states for the record the objections of intervenor Louisa County to the setting of January 17, 1983 as the deadline for intervenors' submission of the contentions they wish to litigate in the above-captioned proceedings. This deadline was set by the Administrative Safety and Licensing Board (ASLB) in a telephone conference call with the parties on December 2, 1982.

Vepco's proposed amendments to its North Anna Nuclear Power Station operating license, which would allow expansion of the capacity of the North Anna spent fuel pool and permit the receipt and storage at North Anna of spent fuel from Vepco's Surry Nuclear Power Station, are of intense concern to the County and its Board of Supervisors. Accordingly, the County wishes to identify and litigate each and every valid health, safety, environmental, and economic issue raised by Vepco's proposed license amendments. The County does not, however, want to expend its limited resources asserting numerous contentions simply to preserve its options pending further research. It also does not want to burden the administrative process with contentions that research or expert evaluation subsequently indicate are unsound. Evaluating the materials submitted by Vepco and other available information in order to identify and respond to the questions presented by Vepco's plan is a time-consuming process. It is in the best interests of all parties, as well as the ASLB, that it not be done in a piecemeal or

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haphazard manner. Vepco's allegations of "urgency" should not be allowed to override Louisa County's right to a full and fair hearing.

As I stated during the December 2 conference call, the January 17 deadline for submission of contentions both hampers the identification and submission of all valid contentions and increases the likelihood that the administrative process will be burdened by the submission of contentions that have not been fully reviewed. It is also unreasonable and extremely burdensome to Louisa County for the following reasons.

1. As set forth in a motion that will soon be filed on behalf of the County, Louisa County believes that it is wasteful and premature to conduct any proceedings on Vepco's license applications in view of the current uncertainty regarding the status of the Commission's waste confidence proceedings and the admonition of Potomac Alliance v. U.S. Nuclear Regulatory Commission, No. 80-1862 (D.C. Cir., July 20, 1982), that the Commission's continuing failure to consider the long-term environmental consequences of spent fuel storage is inconsistent with the requirements of the National Environmental Policy Act, 42 U.S.C. §§ 4321-70 (NEPA). Until the waste confidence proceedings have been completed, it will be impossible to conclude that the environmental review conducted with respect to Vepco's applications complies with NEPA.

2. Vepco and the County are currently engaged in intensive litigation in federal district court in Virginia over the constitutionality of the Louisa County Spent Fuel Ordinance, which prohibits storage in the County of spent fuel generated outside the County. Vepco's complaint in that case contains ten counts based on the federal and Virginia constitutions. Activity in that litigation will be particularly heavy, and particularly demanding of the County's resources, between now and the end of January. There is currently pending a motion by the County to dismiss the litigation on the basis of lack of jurisdiction; that motion is scheduled for oral argument on January 5, 1983 and a prompt decision on the motion is expected. Vepco has indicated its intention to file promptly a motion for summary judgment if the County's motion is unsuccessful. To prepare for argument on the motion to dismiss, prepare to respond to a potential summary judgment motion, and at the same time develop contentions for submission to the NRC, particularly during the holiday season, places a severe strain on the County's resources and its ability to give the care and thought to each of these complex proceedings that they deserve.

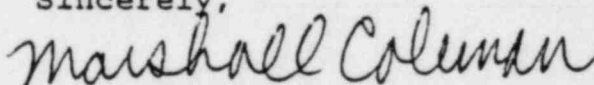
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3. As I explained in the conference call, Louisa County has only recently been able to retain the services of a qualified technical consultant to assist in the preparation of its contentions. Although the County has been making an effort to locate and retain such a consultant for several months, it has been a difficult process since many of the consultants are already employed by utilities and a good number of the remaining consultants have no time available because of their commitments to other clients.

4. Finally, the January 17, 1983 deadline can not materially advance the license application proceedings, since the NRC staff work will not be completed, and a hearing cannot be scheduled, until at least June, 1983.

Louisa County wishes to note for the record that the ASLB's disregard for the County's strenuous and good faith objections to the schedule the Board has imposed raises a serious question about the fairness of the handling of these proceedings and the Board's willingness to give fair and serious consideration to the County's contentions in a matter of critical importance to the County.

Sincerely,



J. Marshall Coleman

JMC/kd

cc: Secretary, U.S. Nuclear Regulatory Commission ✓
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Atomic Safety and Licensing Board