

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

VIRGINIA ELECTRIC AND POWER COMPANY

(North Anna Power
Station, Units 1 and 2)

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

) (Proposed Amendment to
) Operating License NPF-4)
)
)

POTOMAC ALLIANCE REQUEST
FOR PRODUCTION OF DOCUMENTS BY THE NRC STAFF

The Potomac Alliance (the Alliance) requests that the documents identified by the NRC Staff in response to the INT-TO THE NRC STAFF FROM THE POTOMAC ALLIANCE, submitted this date, be provided to the Alliance. It is explicitly requested that such documents not simply be placed in the NRC Public Document Room (PDR) or identified as available at that location, but be provided directly to counsel for the Alliance. As discussed more fully below, the Alliance is entitled to direct receipt of these documents under the Freedom of Information Act (FOIA), 5 U.S.C. §551. Therefore, the Alliance requests the Staff to obviate the filing of a FOIA request by complying fully with the instant request.

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Under the FOIA and NRC regulations implementing it, 10 CFR §§9.03-9.16, the Alliance is entitled to receive the documents referred to above, and is eligible for a waiver of all search and reproduction fees in connection therewith. The factors relevant to a waiver of fees are set forth at 10 CFR §9.14a(c), (d), and (e). In brief, the Alliance contends that it satisfies these criteria for the following reasons:

(1) The documents are essential to the Alliance's participation in an NRC licensing proceeding. They will be intensively analyzed by researchers and technical experts, and the products of that analysis will be presented to the Atomic Safety and Licensing Board to assist it in its adjudicatory functions. In addition, the Alliance will retain the documents for use in connection with subsequent licensing proceedings, the publication of its newsletter, public speaking activities, and its role in the debate over local and national nuclear issues generally.

(3) The public will receive significant tangible benefit from the Alliance's use of the materials in this proceeding and in its educational outreach programs.

(2) The public that will be benefitted by the disclosure includes that portion of the public residing in the vicinity of the North Anna Power Station, that portion of the public relying on the Applicant to supply its electric power needs, and the public in its entirety through improvement of the NRC's licensing proceedings.

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(4) The Alliance will receive no financial benefit from the documents other than avoidance of expenditure of its scarce resources.

(5) The Alliance's ability to pay the anticipated costs of search and reproduction is extremely limited or non-existent.

(6) The intended use of the documents will serve to maintain the public health and safety and the quality of the environment, will result in improved regulatory processes, and will contribute to public debate on important policy issues.

(7) The documents will be used for a public rather than a private purpose and will benefit the public in far greater measure than the costs to the NRC of providing them.

Moreover, the Alliance believes that there is a "compelling reason," as that term is used in 10 CFR §9.14a(g), for furnishing the documents directly to the Alliance despite the fact that they may be found in the PDR. As an intervenor in a licensing proceeding to which the documents are directly related, it has an urgent need to have the documents in the possession of its counsel and researchers, both for purposes of thorough analysis as well as immediate access in licensing hearings. The Commission has explicitly identified this type of need as that which is encompassed within the "compelling need" standard. 44 Fed. Reg. 16001 (March 16, 1979).

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In sum, the Alliance asserts that it has a right to obtain such documents directly and without charge under the FOIA, and therefore requests the Staff to provide such copies under the same terms. The Alliance has no present intent to file a request for the documents under the FOIA.

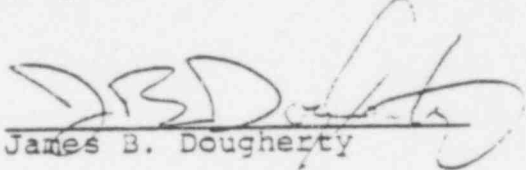
The documents covered by this discovery request include the Applicant's Final Safety Analysis Report for the North Anna Station and the Technical Specifications applicable to the operations of that plant.

Of counsel:

Gloria M. Gilman

Dated this 1st day
of June, 1979.

Respectfully submitted,


James B. Dougherty

Counsel for the
Potomac Alliance

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