

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
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In the Matter of)

VIRGINIA ELECTRIC & POWER COMPANY)

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

Docket Nos. 50-338 OLA-1
50-339 OLA-1
(Receipt of Spent Fuel)

NRC STAFF PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW IN THE FORM OF AN INITIAL DECISION

I. BACKGROUND ^{1/}

1. On July 13, 1982, the Virginia Electric and Power Company (VEPCO or Licensee) filed an application for an amendment to Operating Licenses NPF-4 and NPF-7 for the North Anna Units 1 and 2. The proposed changes would add license conditions to the North Anna Unit 1 and Unit 2 existing licenses to allow the receipt and storage of 500 spent fuel assemblies from Surry Power Station, Unit Nos. 1 and 2. See 47 Fed. Reg. 41892 (September 22, 1982). This proceeding was designated Case "OLA-1". In another proceeding, designated "OLA-2", VEPCO sought authority to expand the fuel storage capacity for North Anna Units 1 and 2. See 47 Fed. Reg. 41893 (September 22, 1982). ^{2/}

^{1/} The Staff has carefully reviewed the Licensee's Proposed Findings of Fact and Conclusions of Law. Consistent with the Board's directive the Staff has "wherever possible, incorporate[d] by reference the Licensee's proposed findings." Tr. 363. Wherever the Licensee's proposed findings have been adopted with some modifications, insertion of new language is underlined and the deletion of language is identified by [brackets].

^{2/} This proceeding was dismissed by Board order dated October 15, 1984, aff'd., Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2), ALAB-790, 20 NRC 1450, 1454 (1984).

2. Pursuant to the September 22, 1982 Federal Register notices concerning the proposed amendments Concerned Citizens of Louisa County (CCLC) and the County of Louisa, Virginia and the Board of Supervisors of the County of Louisa, Virginia (Louisa County) sought intervention in both proceedings.

3. A joint special prehearing conference was held on February 16, 1983. However, by agreement of counsel and Board directive oral argument was not heard on the contentions.

4. By Order of June 10, 1983, the Board ruled that it has jurisdiction to consider health and safety impacts of transshipment of Surry spent fuel to North Anna as well as reasonably foreseeable environmental impacts of such transshipment. ^{3/} Before ruling on any contentions the Board elected to await the issuance of the Staff's Environmental Impact Appraisal, which the Board noted could serve as basis for assertion of new contentions. ^{4/}

5. By Order of May 22, 1984, the Board granted Louisa County's request for withdrawal from the OLA-1 and OLA-2 proceedings.

6. On July 3, 1984, the Staff issued its Proposed Findings of No Significant Impact, the Environmental Assessment (EA) and Safety Evaluation (SE) related to increasing spent fuel storage at North Anna Units 1 and 2, and the transshipment and receipt of Surry 1 and 2 spent fuel at North Anna.

7. On July 30, 1984, CCLC submitted five contentions relating to Case OLA-1 and three contentions relating to Case OLA-2. After the Licensee and

^{3/} Memorandum of June 10, 1983 (slip op. at 4, 6). The Licensee's Motion for Directed Certification regarding the Board's jurisdiction over "health" and "safety" impacts of the proposed transshipment was denied by the Appeal Board. Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), ALAB-741, 18 NRC 371, 379 (1983).

^{4/} Memorandum of June 10, 1983 (slip op. at 7).

the Staff filed responses, a supplemental special prehearing conference was held on September 7, 1984. Because CCLC orally argued in general with respect to its contentions that Table S-4, relied upon by the Staff in the EA, was inapplicable; the Board, by Order of September 13, 1984, requested that counsel submit briefs as to whether there have been any licensing board, appeal board, Commission and federal court rulings on the question of whether Table S-4 applies only in construction permit proceedings or whether Table S-4 is applicable also in operating license amendment cases. Counsel simultaneously filed briefs on October 21, 1984, and thereafter simultaneously filed reply briefs.

8. By Order dated October 15, 1984, in Case OLA-1, the Board recast three of CCLC contentions into a single Consolidated Contention 1. ^{5/} None of CCLC's contentions asserted in the OLA-2 Case were admitted. Accordingly,

5/ As admitted Consolidated Contention 1 stated:

The Staff's Environmental Assessment is inadequate and an Environmental Impact Statement should be prepared. The bases for this contention are two-fold. First, the Environmental Assessment, in relying upon the inapplicable values in Table S-4, did not evaluate the probability and consequences of accidents occurring during the transportation of spent fuel casks from the Surry Station to the North Anna Station or which might be occasioned by acts of sabotage or by error of Applicant's employees in preparing the casks for shipment. Second, contrary to the National Environmental Policy Act, 42 U.S.C. 4332(2)(E), consideration was not given to the alternative method of constructing a dry cask storage facility at the Surry Station which is feasible, can be effected in a timely manner, is the least expensive and safest method for at least 50 years, and can be used on or offsite.

CCLC's other two contentions, numbered 2 and 4 were withdrawn. Contention 2 was withdrawn at the September 7, 1984, Supplemental Special Prehearing Conference (Tr. 129) and Contention 4 was withdrawn by letter dated January 16, 1985.

CCLC's petition for leave to intervene in that case was denied and there being no other intervenors Case OLA-2 was dismissed. ^{6/}

9. In a letter dated November 16, 1984, the parties requested that, pursuant to § 2.749, the Board should proceed to rule on the issue of the applicability of Table S-4 as posed in CCLC's Consolidated Contention 1, and that the Board treat the previous submissions as being motions for partial summary disposition.

10. By Memorandum and Order of January 7, 1985 the Board concluded as a matter of law that the Staff's EA properly relied upon the values in Table S-4. Accordingly, the Board granted the Licensee's and the Staff's motions for partial summary disposition and denied CCLC's motion for partial summary disposition. Accordingly, CCLC's Consolidated Contention 1 reads as follows:

The Staff's Environmental Assessment is inadequate and an Environmental Impact Statement should be prepared. The bases for this contention are two-fold. First, the Environmental Assessment, did not evaluate the probability and consequences of accidents occurring during the transportation of spent fuel casks from the Surry Station to the North Anna Station or which might be occasioned by acts of sabotage or by error of Applicant's employees in preparing the casks for shipment. Second, contrary to the National Environmental Policy Act, 42 U.S.C. 4332(2)(E), consideration was not given to the alternative method of constructing a dry cask storage facility at the Surry Station which is feasible, can be effected in a timely manner, is the least expensive and safest method for at least 50 years, and can be used on or offsite.

^{6/} By Memorandum and Order dated November 20, 1984, the Appeal Board dismissed CCLC's appeal of the Board's October 15, 1984 order. Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2), ALAB-790, 20 NRC 1450, 54 (1984).

II. CCLC CONSOLIDATED CONTENTION 1

The three aspects of CCLC Consolidated Contention 1 relating to sabotage, employee error and the alternative of constructing a dry cask storage facility at Surry are each addressed below.

11. The Staff adopts Licensee's Proposed Finding of Fact ¶ 4.

A. Sabotage

12. The Staff adopts Licensee's Proposed Finding of Fact ¶ 5.

1. Threat of Sabotage

13. The Licensee's witness testified that hijacking or sabotage of a spent fuel shipment has been virtually non existent. Jefferson, ff. Tr. 326, at 9; see also Staff Ex. 2, at p. 4-3.

14. The Staff witnesses, William R. Lahs, Jr. and Carl B. Sawyer, testified that the Staff regularly consults with law enforcement agencies and intelligence gathering agencies to obtain their views concerning the possible existence of adversary groups interested in sabotage of nuclear activities. None of the information the Staff collected confirms the presence of an identifiable threat to domestic spent fuel shipments. Lahs et al., ff. Tr. 346, at 8.

15. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 7-11.

2. Probability of Success

16. The Staff adopts Licensee's Proposed Finding of Fact ¶ 12.

17. The Staff adopts Licensee's Proposed Finding of Fact ¶ 13 as modified.

13. As discussed below, see Proposed Findings 45 and 61, infra, the TN-8L cask is designed to maintain radiation shielding in the fact of severe accident conditions, Jefferson, ff. Tr. 326, at 6, which include conditions produced by certain accident-like events staged by saboteurs. Lahs, et al., ff. Tr. 346, at 6 [at 7]. A combination of steel shells and radiation shields [makes] enables the cask to withstand accident-like events caused by sabotage and attack by small arms or conventional explosives.

The Staff witnesses testified that studies have indicated that it will require skillful use of explosives by persons with knowledge of both explosives and shipping cask design parameters to potentially achieve a release of radioactive material. [virtually impenetrable, except through the use of explosives by one knowledgeable in both explosives and cask design.] *id.* at 7.

18. The Licensee's witness testified that the regulations contained in 10 C.F.R. Part 71 specify that the cask must be designed to survive a set of engineering criteria specified in the regulations as "hypothetical accident conditions." These design criteria encompass impact, puncture, fire and immersion and, by inference, such other phenomena as crushing and tumbling. Jefferson, ff. Tr. 326, at 6.

19. The Licensee's witness also testified that while this cask has never been subjected to actual test conditions, calculations contained in the Safety Analysis Report for Packaging (SARP) indicate that the cask can survive, without loss of shielding, the regulatory requirements contained in the 10 C.F.R. Part 71 hypothetical accident conditions. While it might suffer some cosmetic damage in an accident (such as the bending of fins) the cask is capable of surviving the prescribed accident conditions with no structural damage. *Id.* at 8.

20. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 14-18.

21. The Staff adopts Licensee's Proposed Finding of Fact ¶ 19 as modified.

19. The first of these would be extremely difficult, dangerous and time-consuming. *Id.* at 11; Jefferson, ff. Tr. 326, at 19. As previously indicated, the cask is designed to survive severe accident-like events. See Finding 13 [7], *supra*. Thus, the saboteurs might attempt to disassemble the cask mechanically. Lahe et al., ff. Tr. 346, at 10-11. Performance of this task would be difficult for several reasons. See Jefferson, ff. Tr. 326, at 19. In the first place, the 37 ton cask is designed for vertical unloading but rests horizontally on the truck. *Id.* The saboteur must either have access to a 50-ton crane or its equivalent in order to erect

the cask or face the problems of removing the cover from the horizontal cask. Id.

22. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 20-24.

23. The Staff adopts Licensee's Proposed Finding of Fact ¶ 25 as modified.

25. The most effective means available to breach the casks is the use of explosives. However, release of spent fuel would require skillful use of explosives. Lahs, et al., ff. 346, at 12. At the request of the Department of Energy (DOE), Sandia National Laboratories examined possible attack methodologies and concluded that conical-shaped charges, while requiring some skill, would be the most effective means available, id. at 13, and could cause a penetration of the cask, id.

24. The Staff adopts Licensee's Proposed Finding of Fact ¶ 26.

3. Consequences of a Successful Sabotage

25. Even assuming a successful sabotage, the consequences of such sabotage within the Commonwealth of Virginia upon the TN-8L would be minimal in terms of public health. (Jefferson, ff Tr. 326 at 30; See also Lahs et al., ff. Tr. 346, at 17).

26. Assuming that sabotage is attempted and is successful, the consequences of such sabotage depends upon a number of factors, including the population density, the amount of radioactive material released, the amount of released material that is in respirable form, and the meteorological conditions. Lahs et al., ff. Tr. 346, at 13, 14).

27. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 27-29.

28. The Staff adopts Licensee's Proposed Finding of Fact ¶ 30 as modified.

30. The Sandia Study indicated that less than 34 grams of respirable material would be released; the Battelle program indicated a release of less than 18 grams. Id. at 15. NRC considers the Sandia Study release results to be higher than releases would be under uncontrolled circumstances. The Sandia Study established that in a

highly populated area such as New York City the release of this material would result in no early fatalities and an average of four latent cancer fatalities. Id. at 15. The Battelle program indicated that in a highly populated area such as New York City there would be no early fatalities and less than one latent cancer fatality. Id. Early fatalities are defined as those occurring within one year after exposure to the radioactive material. Licensee Ex. 3 at 93. Early latent cancer fatalities occur at any time after the initial exposure and are the result of that exposure. Id. These fatalities include early fatalities. Jefferson, ff. Tr. 326, at 28. When the maximum value is assigned to each factor in the calculation, the maximum effect would be three early fatalities and fourteen latent cancers. Jefferson, ff. Tr. 326, at 28.

29. The Staff adopts Licensee's Proposed Finding of Fact ¶ 31.

30. The Board agrees with witnesses of the Staff and the Licensee that the probability and consequences of acts of sabotage against transportation of spent fuel casks from the Surry Station to the North Anna Station are small and were adequately considered by the NRC staff. Lahe et al., ff. Tr. 346, at 17; Jefferson, ff. Tr. 326, at 30; Staff Ex. 2 at pp. 4-3 through 4-4.

31. The Staff adopts Licensee's Proposed Finding of Fact ¶ 32.

B. Human Error

1. Table S-4

32. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 33-44.

2. Cask Description

33. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 45-51.

3. Safety-Related Design Features

34. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 52-61.

4. Cask Handling Procedures

35. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 62-72.

C. The Dry Cask Storage Alternative

1. Need for Additional Spent Fuel Storage Space

36. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 73-83.

2. Dry Cask Storage

37. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 84, 85.

38. The Staff adopts Licensee's Proposed Finding of Fact ¶ 86 as modified.

86. In October 1982, the Licensee submitted to NRC a license application under 10 C.F.R. Part 72 for a dry cask storage facility at the Surry Power Station. Id. at 7. The facility would consist of concrete pads and security facilities, which would be built by the Licensee, and dry storage casks, which the Licensee would purchase from one or more cask vendors. Id. The NRC Staff issued its Environmental Assessment for the proposed dry cask storage facility on April 12, 1985. Id.; Lahe et al., ff. Tr. 346, at 23; see Staff Ex. 3. The conclusions embodied in that document are described below. With respect to the public health and safety aspects of the application, [the Licensee has answered most of the questions received from NRC, and NRC estimated during the hearing that its review of the application might be completed during the late spring of 1985. Tr. 350.] a Staff witness, John P. Roberts testified that by letter of March 15, 1984 the Licensee informed the NRC of its selection of the GNS Castor V type cask as the first to be considered for evaluation. Lahe et al., ff. Tr. 346, at 22. The Licensee's witness testified that the application incorporates by reference the topical report for the Castor V cask and that the Licensee has answered all review questions except for those set forth in a March 7, 1985 request from the NRC. Smith (I) ff. Tr. 247, at 7. The Staff witness further testified that the Licensee must still resubmit the dry cask safety analysis report incorporating the Castor V topical report. Roberts, Tr. 351. The Staff also testified that until the Staff completes its review and Commission approval is obtained it cannot be considered a viable alternative. Lahe et al., ff. Tr. 346 at 21, Roberts, Tr. 348; see also Smith ff. Tr. 220 at 18. The Staff testified that completion of its safety review could take "roughly" a month. Tr. 350-51. On April 10, 1985, the Licensee requested permission from NRC to begin construction of the dry cask facility at Surry. Smith (I), ff. Tr. 247, at 7. The Licensee estimates that approximately 10 months will be required to build the dry cask facility. Id. The testimony revealed that

if the Licensee were to receive an early construction authorization from NRC, construction could begin as early as June 1985. Id. at 8. In that event, the dry cask facility could be ready for operation as soon as April 1986. Id. If, on the other hand, the early construction authorization were denied and issuance of the license occurred, for example, in September, the facility would not be ready until August 1986. Id.

39. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 87, 88.

40. The Staff adopts Licensee's Proposed Finding of Fact ¶ 89 as modified.

89. At the time of the hearing DOE was scheduled to begin receiving Surry spent fuel for storage in the already-delivered cask in July 1985. Id. at 10. These shipments were expected to take about two months. Id. If this program was completed on schedule, the number of assemblies that would have to have been removed from the Surry spent fuel pool prior to the July 5, 1986, outage at Surry Unit 1 would have been reduced by 21 assemblies, leaving 34 assemblies to be removed in order to [reserve] preserve full core [preserve] reserve after that outage. Id. Shipment of spent fuel for the next cask, consisting of 24 assemblies, was scheduled to begin in October 1985 and to require about two months. Id. Successful completion of this portion of the program would leave the Licensee ten spaces short of full core reserve after the 1986 Surry Unit 1 refueling period. Id. If another cask were delivered, as planned, in February 1986, shipment of 24 additional assemblies could begin in March or April of that year. Id. Thus, if all three of these shipping campaigns were carried out more or less on schedule, full core reserve would be assured, without any shipments to North Anna, for the period immediately following the Surry Unit 1 outage and until the October 17, 1986, outage at Surry Unit 2. Id. at 11; see Tr. 258. Even so, an additional 46 assemblies would have to be removed from the Surry pool before the October 17, 1986, Surry Unit 2 outage. See Smith (I), ff. Tr. 247, at App. 2. Of course, if the Surry dry cask facility were licensed by NRC and completed in early-to-mid 1986, it could be used to avoid the loss of full core reserve during the October 17, 1986, Surry Unit 2 outage and thereafter. See Proposed Finding 86, supra.

41. The Staff adopts Licensee's Proposed Finding of Fact ¶ 90.

42. The Staff adopts Licensee's Proposed Finding of Fact ¶ 91 as modified.

91. In addition, § 111(a)(5) of NHPA, 42 U.S.C. § 10151(a)(1) (1982), explicitly makes utilities primarily responsible for interim storage of their spent nuclear fuel until a Federal repository is available. The Act provides for limited Federal interim storage for utilities, but only if they are unable to provide their own storage through the use of transshipment, dry cask storage or new fuel pools. 42 U.S.C. § 10155(b)(1)(A), (B) 1982). Indeed, utilities are required by 10 C.F.R. Part 53, if they are to qualify to use Federal interim storage, to demonstrate to NRC that they have "diligently" pursued these options. Id. at 18, 19. In the event that both dry cask storage and transshipment were unavailable, the Licensee might have to apply for Federal interim storage. Id. at 19. The Licensee could qualify for Federal interim storage only if it could show that it had diligently pursued the authorization for receipt and storage of Surry fuel at North Anna that it seeks in this proceeding. Thus, given its shortage of spent fuel storage space at Surry, Licensee has little choice but to seek the authorization that is the subject of this proceeding.

43. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 92-93.

3. Comparative Costs

44. The Staff adopts Licensee's Proposed Findings of Fact ¶¶ 94-99.

4. Comparative Environmental Effects

45. The Staff adopts Licensee's Proposed Finding of Fact ¶ 100.

46. The Staff's environmental assessment for the transshipment of Surry spent fuel to North Anna states that alternatives to the proposed action are discussed in the Commission's Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel issued in August 1979 (FGEIS). Staff Ex. 1 at 2.

47. The FGEIS was the response of the NRC Staff to a Commission direction to prepare a generic environmental impact statement which analyzes alternatives for the handling and storage of spent light water reactor fuel. (Id.).

48. The storage of spent fuel is considered to be interim storage until such time as the issue of permanent disposal is resolved and implemented. (Id.).

49. The finding of the FGEIS is that the environmental impact costs of interim storage are essentially negligible, regardless of the alternative storage method. (Id. at 3).

50. The Staff adopts Licensee's Proposed Finding of Fact ¶ 102 as modified.

102. [Nevertheless, t] The record before us in this proceeding adequately analyzes the environmental implications of the dry cask alternative. As we pointed out in Proposed Finding 86, above, the Staff published on April 12, 1985 an Environmental Assessment of the Licensee's proposal to construct a dry storage cask facility at its Surry Power Station (the Surry EA). See Staff Ex. 3. The Surry EA examines a wide-range of alternatives. See id. at 8-14. It includes a description of the proposed Surry dry cask facility. See id. at [29] 28-36. It analyzes the impacts of construction on land use and terrestrial resources, on water use and resources, on air quality and on noise levels. See id. at 39-40. The Surry EA also examines the expected operational effects of the facility including those due to direct radiation, to radioactivity releases in gaseous effluents and to radioactivity releases in liquid effluents. See id. at 41-51. It analyzes off-site dose commitments to individuals and to the nearby population, as well as collective occupational dose commitments. See id. at 42-44. The Surry EA reviews the potential environmental effects of accidents and the potential for sabotage attacks on the facility. See id. at 45, 56-58. The analysis concludes that no significant construction impacts are anticipated, that the radiological impacts from liquid and gaseous effluents during normal operation will fall within the scope of the impacts evaluated for reactor operations that were assessed in the Surry Units 1 and 2 Final Environmental Impact Statements, that the radiological impacts due to potential accidents are only a small fraction of acceptable limits, and that no significant non-radiological impacts are expected during operation. See id. at 60-61. The document's ultimate conclusion is that the dry cask facility at Surry will not significantly affect the quality of the human environment. See id. at 61-62. There is no evidence whatever in the record to call into question any of the Staff's conclusions, and we adopt those conclusions as our own.

51. The Staff adopts Licensee's Proposed Finding of Fact ¶ 103.

5. Use of Resources

52. The Staff adopts Licensee's Proposed Finding of Fact ¶ 104 as modified.

104. The proposed action will not involve any noteworthy conflict in the use of resources such as lead, steel, copper, resin, cement, labor vehicles and casks. Lahe et al., ff. Tr. 346, at 24-27; Tr. 349. Presumably, CCLC will contend that there is an unresolved conflict over the "resource" represented by the remaining storage space at North Anna. See Tr. 259. Even if the space is viewed as a "resource" within the meaning of § 102(2)(E) of NEPA, however, we find no "unresolved conflict" over the use of the space. On the contrary, as Mr. Smith testified for the Licensee, any North Anna space preempted by Surry fuel can be replaced when needed either by consolidating fuel in the North Anna pool or by installing dry casks at North Anna. Smith (I), ff. Tr. 247, at 14. Moreover, the Surry fuel could be removed from its original resting place in the North Anna pool and either consolidated or put in dry casks at North Anna in the future if that should be deemed necessary. CCLC has introduced no testimony that suggests an unresolved conflict over the use of the North Anna space, and we conclude that none exists.

III. CONCLUSIONS OF LAW

In reaching this decision, the Board has considered all the evidence submitted by the parties in the entire record in this proceeding with regard to the transshipment of Surry spent fuel from Surry to North Anna and the storage of this fuel at North Anna. Based upon a review of that record and foregoing findings of fact, which are supported by a reliable, probative, and substantial evidence, the Board, with respect to the issues and controversy before us concludes that:

(1) the probability and consequences of accidents occurring during transportation of spent fuel casks from Surry Station to North Anna Station which might be occasioned by acts of sabotage or employee error have been adequately analyzed and found to be negligible and in light of such probability and

consequences the requested license amendment will not significantly affect the quality of the human environment.

(2) the issuance of the licensing amendment would not "significantly affect the quality of the human environment" and, will not, therefore require the preparation of an environmental impact statement pursuant to Section 102(2)(C) of NEPA.

(3) the potential of accidents during transshipment of spent fuel caused by human error is reflected in the values of Table S-4, 10 C.F.R. § 51.52, and need not be reexamined in this proceeding.

(4) there is no need to study, develop, and describe alternatives to the transshipment proposal and storage action pursuant to NEPA Section 102(2)(E), 42 USC 4332(2)(E), since the proposed action does not involve unresolved conflicts concerning alternative uses of available resources.

(5) in light of Conclusions 2 and 4, the Staff was not required to include in its Environmental Assessment a discussion of alternatives to the Licensee's proposed action.

(6) the dry cask alternative has received adequate consideration in this proceeding.

(7) the appropriate course of action from an environmental standpoint is the issuance of the requested amendment.

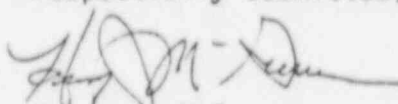
IV. ORDER

It is Ordered, in accordance with the Atomic Energy Act, as amended, the National Environmental Policy Act, as amended, and regulations of the Nuclear Regulatory Commission, and based upon the findings and conclusions set forth herein, that the Director of Nuclear Reactor Regulation is authorized to issue to the Licensee, Virginia Electric and Power Company and Old Dominion Electric Cooperative, an amendment to their North Anna Units 1 and 2 operating Licensees (NPF-4 and NPF-7) to permit the receipt and storage of 500 spent fuel assemblies from the Surry Power Station, Units 1 and 2. (Docket Nos. 50-338/339 OLA-1).

In accordance with 10 C.F.R. § 2.764, this authorization will become effective immediately upon issuance. Pursuant to 10 C.F.R. § 2.760(a) of the Commission's Rules of Practice this decision will constitute the final decision of the Commission forty-five (45) days from the date of issuance, unless an appeal is taken in accordance with 10 C.F.R. § 2.762 or the Commission directs otherwise. (See also 10 C.F.R. §§ 2.764, 2.785, and 2.786).

Any party may take an appeal from this decision by filing a notice of appeal within ten (10) days after service of this decision. Each appellant must file a brief supporting its position on appeal within thirty (30) days after filing its Notice of Appeal (forty (40) days if the Staff is the appellant). Within thirty (30) days after the period has expired for filing and service of the briefs of all appellants, (forty (40) days in the case of the Staff), a party who is not an appellant may file a brief in support of or in opposition to the appeal of any other party. A responding party shall file a single, responsive brief regardless of the number of appellant's briefs filed. (See 10 C.F.R. § 2.762(c)).

Respectfully submitted,


Henry J. McGurren
Counsel for NRC Staff

Dated in Bethesda, Maryland
this 18th day of July, 1985.