

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of

HOUSTON LIGHTING AND POWER
COMPANY, ET. AL.

(South Texas Projects, Units 1 & 2)

DOCKET NOS. 50-498
50-499

PETITION FOR LEAVE TO INTERVENE BY CITIZENS FOR
EQUITABLE UTILITIES, INC.

I. BACKGROUND

On January 11, 1979 a representative of Citizens for Equitable Utilities, Incorporated (C.E.U.) was present at the Special Pre-hearing Conference in consideration of the operating license for the South Texas Project (S.T.P.). At that Conference the representative of C.E.U. made a limited appearance statement in which she indicated that C.E.U. intended to file a petition in the above captioned matter.¹

C.E.U. understands that an announcement was made in the August 2 Federal Register regarding the opportunity for intervention, but regretfully knew nothing of the proceedings until immediately before their occurrence. Therefore, while C.E.U. recognizes the seeming untimeliness of this petition, it also feels that it represents such a significant portion

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Mrs. Peggy Buchern

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CERTIFICATE SERVICE

I hereby certify that copies of "Petition for Leave to Intervene by Citizens for Equitable Utilities, Inc." in the above captioned proceedings have been served on the following by hand delivery;

Charles Bechhoefer, Esp. Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Emmeth A. Luebke
Atomic Safety & Licensing Board Panel
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Atomic Safety & Licensing Appeal Panel
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Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Henry J. McGurrin, Esp. Staff Counsel
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington D. C. 20555

and by depositing in the United States Mail, first class, this day
February 23, 1979 to the following:

(next page)

Mis Buckorn

CITIZENS FOR EQUITABLE UTILITIES, INC.
ROUTE 1 BOX 432
BRAZORIA, TEXAS 77422



RESOLUTION

BE IT RESOLVED THIS DAY, SATURDAY, JANUARY 13, 1979, CITIZENS FOR EQUITABLE UTILITIES, INC., REPRESENTED BY ITS BOARD AT A FORMAL MEETING, DID RATIFY AND APPROVE THE STATEMENT MADE BY MRS. FEGGY BUCHORN DURING PROCEEDINGS BEFORE THE ATOMIC SAFETY AND LICENSING BOARD RE: DOCKET NOS 50-498 AND 50-499.

BE IT FURTHER RESOLVED THAT MRS. FEGGY BUCHORN IS DIRECTED TO FILE A PETITION IN INTERVENTION IN SAID DOCKETS AND IS EMPOWERED TO REPRESENT THIS ORGANIZATION, BOARD OF DIRECTORS AND ITS MEMBERSHIP IN ALL SUBSEQUENT PROCEEDINGS.

John C. Higgins

JOHN C. HIGGINS, CHAIRMAN

ATTEST: *Richard Helms*

RICHARD HELMS, SEC.

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TO WHOM IT MAY CONCERN:

This letter is to confirm the intention of the undersigned, Mrs. Kenneth C. Buchorn of Brazoria, Texas to be represented by petition of "Citizens for Equitable Utilities, Inc." and their Executive Director Mrs. Peggy Buchorn in the above captioned matter.

I am in support of the contentions of that petition in an effort to assure my health, safety, and the presentation of no danger to my real property. I further support the petition and operating guidelines of C.E.U., Inc.

Mrs. Kenneth C. Buchorn
Mrs. Kenneth C. Buchorn

than errors of omission, and which if not discovered could significantly affect the potential operation of the STP. While C.E.U. relies primarily upon I & E activities and properly carried out QA/QC activities to assure the safety of the plant, when it has been repeatedly demonstrated that there exists a willingness to falsify these records, C.E.U. can no longer consider that this is a non-contendible item. C.E.U. representative Mrs. Buchorn noted during the Special Prehearing Conference that the applicant felt that the I & E reports referred to were an indication of how well the I & E system was working. C.E.U. would assert that if in fact 100% of such deviations were caught then the I & E system would be functioning properly, however no assurance can be given as to the 100% effectiveness with which the contractor and or applicant must be policed. In as much as this situation has arisen, is documentable, is a matter of public record, C.E.U. contends that the operational safety of the STP as currently constructed cannot be assured, and therefore further measures must be taken before operating licenses are granted in order that the question of whether or not the plant has in fact been constructed in accordance with construction permits can be answered.

Mrs. Peggy Buchorn

Mrs. Peggy Buchorn, Executive Director
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recently been released in the Review Assessment Report NUREG/CR 6460, that the means of calculation done at that time are no longer valid. We may assume then until we are told differently that the risk of such an accident is somewhat higher if not considerably higher than was previously contemplated. There is additionally, a school in that area, and it is, in the estimation of C.E.U. absolutely ridiculous to anticipate that persons evacuating from an area should be forced to go closer to the cause of that evacuation in order to get away from it than the area from which they departed in the first place. C.E.U. contends that if this is an oversight, it must be rectified before operation of STP can be considered safe, and if it is not an oversight, that some alternate plan must be made available and publicly dispersed such that persons in that specific area may not further endanger their health in the event of an accident by trying to escape from it.

(9). While C.E.U. recognizes that in any project of this magnitude there will be certain construction deficiencies which may or may not be correctable, C.E.U. is also aware that there have been construction malfeasances on the STP which serve nothing more than to cast doubt on the credibility of the Applicant and the contractor. Specifically C.E.U. refers to numerous inspection and enforcement reports published by the Nuclear Regulatory Commission and maintained in the local Public Documents Room for public inspection which consistently indicate that construction records and quality control and quality assurance records have been falsified by the contractor and or the applicant. Further there have been instances wherein I & E reports indicated there were no current set of plans within the containment building. These are errors of intent rather

percent of that amount. Other instances are cited wherein multiple wells have been drilled to find water in the area, many of them going to 600 ft. and beyond, well over a 100 ft. beyond the depth at which water was found several years in the past. It is therefore felt that the supply of water from these aquifers is in danger, and they will not be able to tolerate the further draw upon their reserves such as may be brought about by the operation of the STP. This poses a safety and health danger initially in that as the aquifers are drawn down it has been noted even in the Final Environmental Report that much of that water is replaced with salt or brackish water, particularly in areas closer to the coastline. They present a health hazard from the point that the same water is used for irrigation of crops and watering of livestock, from which members of C.E.U. and other residents of the area maintain their existence and sustenance, and they present a safety hazard from the respect that if the situation of inadequate river water presents itself conjointly with the inadequacy of aquifer water, that it is conceivable that the STP could not be operated safely if indeed at all. C.E.U. therefore contends that there are such significant irregularities in the intending sourcing of water as to cast grievous doubts on the safe operation of the STP.

(8). C.E.U. also notes that Hiway 60 passes by STP and is the only route of evacuation for those persons ESE of the plant and places them in such a position that should there be a catastrophic failure of the plant that they must come from an area of up to 17 miles distant from the plant to within 3 miles of the plant in order to escape the effects of such a catastrophe. While the likelihood of such an accident is low, it has

of similar materials that may be more adversely affected by the presence of those effluents. It is also well documented that the effects of such emissions, particularly the isotopes of strontium, thorium, and iodine are cumulative not only in the human body but in the bodies of milk producing and meat producing animals. C.E.U. contends that this is a matter of significant concern to its membership, many of them owning milk producing animals within 10-30 miles of the plant, and their physical safety and health may well be endangered by STP operation. C.E.U. contends therefore that initially a re-evaluation of the population of milk producing livestock in the region must be made, and that based upon a reassessment of the impact upon persons living in the area should be made, and if necessary a modification of allowable emissions or a modification of the range over which persons are allowed to maintain such livestock must be made in order to protect the safety and health of those persons.

(7). The Final Environmental Statement in Section 3.4 indicates that makeup water for the essential cooling is to be drawn from the surrounding potable water aquifers in the area. C.E.U. wishes to make note of two distinctly important facts in this regard; (a) members of C.E.U. have observed the level of the river at the entrance gates to the cooling pond, which coupled with the data provided by the Texas Water Quality Development Board, would seem to indicate that there is a strong possibility that there will not be sufficient river water to maintain the cooling pond, and (b) the domestic water wells in the area have over a period of several years (no doubt not due to STP at this time) been dropping off in their water production. Instances have been recorded by C.E.U. members where 500 ft. wells which 5 to 7 years ago would produce 90 gpm are now capable of producing 25 to 50

on the Gulf Coast area will have any untoward bearing on the effect of those emissions on the local populace and the local flora and fauna. C.E.U. wishes to raise this question and suggest that it is of sufficient import that it be litigated as a contention in this matter.

(6). The Final Environmental Statement alleges that the "closest milk cow" is no closer than 5 miles from the proposed plant site. C.E.U. wishes to clarify strongly at this point that to its knowledge, and in some cases under the ownership of portions of its membership, there are both milk cows and goats within a radius of much less than 10 miles from the plant. It is also felt, although there has not been sufficient time for a survey, that within the 78.5 square mile region specified by the 5-mile radius of the plant, that at this time there are certainly milk producing animals being raised. Further compounding the difficulties raised by this contention is the fact that much of the milk raised in the area is raised either by the owners or sold by the producers as raw milk, thus not undergoing the process of either pasteurization or homogenization which may tend to separate some of the more volatile of the emissions which may be attracted to milk producing animals. It has long been established that even very low amounts of radiation i.e. such small amounts as to be carried in trans-continental drift from atmospheric nuclear explosions, are detectable within a few days in the cattle of the region. It is noted that during the recent Chinese nuclear testing, that detectable levels, although not specifically dangerous, were observed in cattle in the region of Austin to Houston within 6 to 12 days of the time of such a nuclear explosion. It somewhat follows that when milk producing animals are in the rather more immediate vicinity of a plant which has an effectively continuous emission

and in other instances losing their homes and or business structures to the effects of that flooding. The Environmental Statement seems not to address this issue with sufficient import, with regard only to the flooding of the plant specific. Apparently completely overlooked is the effect of the osmosis of cooling lake water with water which will ultimately be returned to the sloughs, brackish water and the seas should the cooling lake be overrun by such a flood. It seems evident to the membership of C.E.U. that the "allowable waste" designed to be contained by the cooling lake cannot be guaranteed to be contained within the structure if there is any possibility during the 30-40 year lifetime of the STP that the cooling lake be overcome by such a flood. Again C.E.U. contends that this is an item raising significant enough questions i.e. where will the thus released contaminants bespread, as to make the subject of severe flooding due to hurricane or other weather phenomena a contendable matter.

(5). The Final Environmental Statement further refers to "allowable airborne emissions" and "releases". While the source and method of injection into the atmosphere of these releases is not specifically defined, it is generally known that nuclear plants as with nearly any other type of industrial operation do release emissions into the atmosphere. C.E.U. contends that due to the unusually high and relatively continual humidity level in the area that these airborne emissions will be precipitated out over a closer diameter to the plant than would be found if the plant were to be located perhaps in the desert. As a result of the closer gathering of the precipitated emissions, the danger is accordingly increased because of the concentration of those toxicants. C.E.U. has not observed anywhere within the documentation at hand that the effect of the high humidity such as is found

being threatened not only locally but on a global scale and even assuming that Little Robbins Slough is successfully relocated, which is doubtful, the snow geese resident in the area will in all likelihood attempt to land in the area that they have always nested, but which now coincidentally happens to be the cooling pond for the South Texas Nuclear Project. That cooling pond will contain what the NRC at this time considers to be allowable liquid emissions, which spread over a large area and a significant number of beasts and persons would seem to present a non-threatening dose, but which however when injected by any discrete group of beasts and/or persons become in fact quite toxic. Inasmuch as the allowable body burden for waterfowl and other such creatures is so minimal, it may very nearly be assumed that the "safe" operation of STP will certainly decimate their numbers by a significant factor. The Environmental Report in the estimation of C.E.U. does not pay significant attention to the effect upon either of the aforementioned species, and C.E.U. contends that there is an environmental issue at stake, and wishes to raise the contention that, initially further investigation is necessary, and that in all likelihood, as borne out by our preliminary investigations, these creatures will be covered under the protection of the N.E.P.A., and will affect the proposed operation of the STP.

(4). Partially coupled with contention 1. above, this contention addresses inland flooding in the area of the STP due to Hurricanes and other such malevolent meteorology as may exist. There have been, during the storms cited above in contention 1, documented cases of severe flooding several miles further inland than the site of STP. In fact, members of C.E.U. have experienced these flooding conditions, sometimes surviving intact,

there which were at one time quite large are becoming unfishable. Further there has been an oyster population in the area which has contributed significant income and sustenance to the residents of the area. It is well established that oysters and similar mollusks have an affinity for heavy metals, and it is contended by C.E.U. that there has not been significant enough study done regarding this species to indicate the effects upon the populace by ingestion of the same. In summation of this contention, C.E.U. would note not only the issues immediately raised, but that since the date of the Final Environmental Statement and the SER (1975) there has been sufficient new scientific evidence discovered which lead to the belief that the effect of the operation of the STP on these species would be greater than that anticipated. Further, it is the feeling of C.E.U. that the number and quantities of the species as well as their impact on the population is greater than that stated in the aforementioned reports, and that investigation of this matter therefore becomes a controllable matter.

(3). C.E.U. further contends that certain wildlife species, particularly fowl are endangered by the proposed operation of the STP. The environmental statement points out that Archers Prairie Chicken is very nearly extinct in the area, and may be endangered by the operation of the plant, however it is not considered of significant economic import that operation should be changed. C.E.U. argues that this is a controllable matter and that economic influence aside, the preservation of that species is significant enough to affect the manner in which the plant is operated. Additionally there is a large population, although dwindling, of snow geese in the area which use particularly the Little Robbins Slough area as a night nesting ground. Snow geese are relatively fragile and delicate, their numbers are

Hurricane Edith passed near the entire Texas coast.

The SER indicates that the South Texas Project is to be constructed such that it will be operational in 120 mph winds, and such that it will withstand gusts of 156 mph. It having been demonstrated that winds exceeding this velocity have occurred with significant frequency over a time period of less than 20 years in the area, can the Applicants or the NRC reasonably expect the STP to operate safely and withstand such winds as may be encountered in this type Hurricane situation? Further, this casts some aspersions on the veracity and authenticity of the data with which documents such as the SER and the Environmental Report have been prepared. C.E.U. contends that the potentially damaging effect of hurricanes of category 4 or greater which have occurred no less than three times in the last 20 years is of such import as to cause revision of the operating license and perhaps construction of the STP, if indeed not the cancellation of the entire project due to significantly increased danger to the surrounding populace. It is also noted at this point that should such a storm breach the containment of the STP, that the range over which the contents of that containment might be spread would be so large as to be at this point undefinable, and endanger a far greater number of persons than that ever previously contemplated.

(2). The Final Environmental Statement deals only briefly with the numbers of larval shrimp and crab in the brackish waters and sloughs of the area. It has already been noted by harvesters of marine life in the area that due to no effect other than construction of the STP, that shrimpers are suffering decreased yields, particularly with regard to Little Robbins Slough which the Applicants allegedly "relocated, that marine populations

than any Hurricane on record. Almost the entire area from Matagorda Bay northwestward to San Antonio and southward to Laredo received at least 10 inches of rain between the 19th and 23rd of September 1967. This was partly due to her unique track, first moving northward, then recurving southwestward and entering Mexico south of Laredo. Many areas received deluges in excess of 20 inches, and a few areas were inundated with up to 30 inches of rain.

Hurricane Celia, August 2-5, 1970, caused 110 deaths, destroyed an estimated \$500 million worth of property and became the costliest hurricane to strike the Texas coast in terms of property damage. "Weather Wise", a publication of the American Meteorological Society, describes some of Celia's unique characteristics. First, nearly all damages resulted from wind and not flooding or storm surge. Second, the highest winds occurred in the rear left-hand quadrant rather than in the right front quadrant as would be expected and came in streaks spaced about 1.5 miles apart. Between these streaks almost no damage resulted, even to the frailest structures. Third, Celia intensified explosively just prior to landfall. At the time Celia made landfall, the eye decreased in size about 40% and wind velocity increased from 90 to 130 mph with gusts of 160 to 180 mph.

Since Hurricane Debra, July 1959, there have been 13 hurricanes and tropical storms on the Texas coast. Three of these hurricanes were extreme and the National Weather Service recently pointed out that if Hurricane Carla returned today at least 50,000 more people would be directly affected and property damage would be more than \$849 Million (1978 figures computed using the General Wholesale Price Index). On September 10, 1971, Hurricane Fern moved inland near Matagorda and just four days later, September 14, 1971,

Galveston in September 1960 at 100 mph. This not only represents a lack of adequate research on the part of the staff who prepared these two documents, but is in fact patently false. The SER indicates that the Applicant has indicated to them that meteorology collected in the immediate area is not deemed accurate and therefore their decision has been based on windspeeds in the area of Galveston.

The Saffir/Simpson Scale, the current system of strength classification for Hurricanes is as follows: (category 1- winds 74-95 mph), (category 2- winds 96-110 mph), (category 3- winds 111-130 mph), (category 4- winds 131-155 mph), (category 5- winds greater than 155 mph).

C.E.U. notes specifically that Hurricane Carla, September 1961, was an extreme hurricane and had all the features, high winds, heavy rains, extensive storm surge, and tornadoes, that cause damage. Her strongest winds were estimated to be in excess of 170 mph at Port Lavaca and between 75 mph and 150 mph from the Texas - Louisiana border to the Matagorda area where wind speed was from 150 mph to 175 mph. Hurricane Carla had sustained winds of 175 mph with a storm surge in excess of 22 feet above mean sea level at Port Lavaca. She was probably one of the largest hurricanes for which there are reliable records. Parts of Matagorda Peninsula were breached by storm channels and shorelines were eroded as much as 800 feet under the action of the huge storm waves. Hurricane Carla spawned at least 26 tornadoes ravaged central Texas from Victoria to Dallas, caused 46 deaths and \$408 Million damage. Rainfall ranged from 2.82 inches at Paris, in East Texas, to a torrential 16.23 inches at the Galveston airport.

Hurricane Beulah, September 1967, caused 15 deaths, drenched the state with the greatest amount of rainfall and spawned more tornadoes (more than 100)

and represent the earnest desire of C.E.U., its leadership and membership to become a party to the aforementioned proceedings in order that the health safety and well being of C.E.U. membership in particular and the local populace in general may be assured. C.E.U. does not pretend to represent other than its own membership and recognizes that there may be differing opinions outside of its membership, but claims that it represents so large a segment of the population within the zone of interest that it must not be overlooked. This is particularly important in the eyes of C.E.U. when it is considered that there are no other potential "local intervenors", and if C.E.U. is not recognized as having standing and an interest in these proceedings, it is entirely possible that there may in fact be no public hearings on STP. This, in the eyes of C.E.U., would clearly not be in the best public interest, and would explicitly not be in the interest of the membership of C.E.U.

V. LISTING OF CONTENTIONS.

The following is a listing of contentions which C.E.U. feels at this time has substance with regard to the operating safety of STP. C.E.U. begs the Boards indulgence, in as much as it is a relative latecomer to this proceeding and there have been even since the decision was made to attempt to intervene, material introduced which may well be considered new evidence or fall into the light of special circumstances. Therefore this list is not submitted with the intention of its being the complete and final listing of contentions, but rather a list of sufficient particularity as to describe at least one admissible contention as per the rules of practice of the N.R.C.

(1) Both the Final Environmental Report and SER indicate clearly that the highest wind speed (the fastest mile) measured in the area was at

in the Final Environmental Statement as well as the Safety Evaluation Report which have been observed with regard to local meteorology. The effects of severe weather in the area can perhaps best be recounted by the residents of that area, many of whom C.E.U. represents who have lived through such traumatic occurrences as Hurricanes Carla, Beulah, Celia, Fern and Edith. While this facet will be elaborated on more fully under contentions, C.E.U. feels that the advice of the "local weathermen" whose primary knowledge of meteorology is that of having lived through and survived storms of the magnitude which will be described is an invaluable asset and should be seized upon by this Commission in trying to establish all of the facts which will assure the safe operation of the STP. While C.E.U. does not have at its behest at the moment a certifiable meteorologist, there are a great many persons with a significantly higher than average interest and level of skill with regard to hurricanes in as much as they are so much a part of life along the Texas Gulf Coast. Additionally, C.E.U. will make every attempt, if requested, to provide expertise such as may be necessary to demonstrate the effect of local meteorology upon the proposed plant. Therefore, C.E.U. prays that the Board discretionarily recognize their request for standing if for no other reason than the fact that such a large portion of public opinion merits the effort and expense necessary to hold public hearings on a matter of such large import as the South Texas Project. C.E.U. has clearly stated the size of its membership, and desires to make it known that this is a growing membership which becomes larger almost daily, reminds the Board that the arguments presented thus far and the contentions to be presented shortly have been prepared in good faith,

pursuit of these operating licenses. These persons have expertise in both the horticultural aspect of agriculture, as well as the animal husbandry facet of that same endeavor. Additionally, there is at least one veterinarian available with expertise which can be brought to bear on the effect of the STP on the local fauna.

Thirdly, a significant number of C.E.U. members either make their living or supplement their income in the harvesting of the marine life in the area. Several are professional fishers who harvest shrimp, crab and oysters from the immediate areas and waters surrounding the proposed plant site, and have done so for many years, some are offshore fishermen, and a great many persons rely upon such catches as they may make to supplement their food income. As will be mentioned in the contentions, some of the waters bearing this marine life will be affected immediately by the installation of the STP i.e. Little Rebbins Slough etc., even before any nuclear activity takes place. As nuclear activity is brought on line, further influences will be brought to bear on these persons sources of income and food, thus endangering their physical wellbeing, and certainly posing significant threats to their mental wellbeing.

Additionally, in making arguments for the Boards exercise of discretion, C.E.U. notes that it has among its members certain persons of scientific disciplines including that of chemistry who have many years experience in their respective disciplines and have committed themselves to C.E.U. to make their services available such as may be necessary. C.E.U. feels that this will assuredly broaden and enhance the scope of these proceedings.

C.E.U. is also prepared to contend that there are certain deficiencies

IV. ARGUMENT FOR STANDING AS A MATTER OF DISCRETION.

C.E.U. pleads the Commission at this time that they review this petition with an eye towards standing due to the discretionary powers of the Board. C.E.U. feels that in its considerable membership, it has substantially significant expertise to offer in several areas, as might be expected within public groups, to these proceedings which will aid in the establishment of a sound record in the best interest of the people. Initially members of C.E.U. are to a large degree members of families which have expertise specific to the area simply by virtue of their long residence in the area. Many members of C.E.U. and their families predate the conception of STP perhaps by several generations. This factor, while not definable in the usual scientific disciplines, represents so large a portion of human experience in that area that it must not be overlooked. The Nuclear Regulatory Commission in discharging its duty to protect the interest of "the people" will surely be remiss if the "human interest" of so large a body of persons residing in the imminent area of this reactor site are not taken into consideration, and in fact, heard in proper public operating license hearings.

Secondly, as has been briefly mentioned, many many persons in the membership of C.E.U. are involved in the daily pursuit of agriculture as a business and as a means of supplemental sustenance. While many of these persons assuredly are not educated in the discipline of agriculture, several do possess significant education in this line, and have agreed to provide their services on a consultary basis to C.E.U. as necessary in the

which she makes her domicile, and from which she and her family gain sustenance by utilization of the land. As will be pointed out in the listing of contentions, the physical safety, health and well being of Mrs. Buchorn and other members of C.E.U. is inherently threatened by any unsafe operation of STP. Therefore their right under the law to become a party to this proceeding in order that such safety and well being be preserved and assured is clear. There are extenuating circumstances surrounding the operation of STP which will be pointed out in the contentions which make it not only possible but perhaps likely that what might normally be considered safe operation may present a hazard to those living within a close radius of the plant. As an example, whereas normal gaseous emissions are distributed over a wide area, thus, in principle at least, reducing the risk to discrete individuals, the intense humidity in the area will no doubt cause the early precipitation of these releases, providing a higher concentration of toxicants and a higher level of danger to the persons living in the immediate area. It is perhaps a fact that the membership of C.E.U. within the zone of interest may well represent the largest single group of real property owners with the exception of the applicant itself. Surely the disregard of their rights under the law cannot be allowed.

The right to standing of quasi-public bodies as being representative of the public itself is well established and has large precedence with the Commission and other regulatory bodies. C.E.U. claims this privilege as its right under the law in order that the broad interest of that public which they represent might be served.

property, business interest, working the soil, or plying the waters within 30 miles of the South Texas Plant has been taken. The following table is a representative indication of the number of persons represented and their distances from the proposed plant site:

<u>CITY/TOWNSHIP</u>	<u>RADIUS FROM STP</u>	<u>NUMBER OF PERSONS</u>
Wadsworth	4 miles	21
Matagorda	8 "	60
Collegesport	8 "	61
Blessing	9 "	55
Markham	10 "	65
Midfield	12 "	8
Bay City	12 "	1674
Palacios	12 "	568
Francitas	16 "	34
Van Vleck	19 "	344
Sweeny	26 "	326
Braselia*	30 "	622

Additionally there are persons living in or near the towns of Edna, Ganado, El Campo, Wharton, Boling, New Gulf, Seadrift, Louise, LaWard, Point Comfort, Inez and Vanderbuilt, all of which lie within a 50-mile radius and where C.E.U. has a membership mailing list in excess of 1300 persons. No estimate is given at this time as to the acreage owned and/or under cultivation by C.E.U. members, however when considered against the total population of the zone of interest, it may clearly be seen that a significantly large portion of the land owners/workers of the area are a part of the constituency of C.E.U.

In accordance with the Fermi decision of January 1979, C.E.U. specifically wishes to identify one of its members, Mrs. Kenneth C. Buchorn as the representative member of the group within the zone of interest. Mrs. Buchorn possesses real property within 30 miles of the STP, one parcel and a presently unoccupied income producing piece, and the other, 37 plus acres upon

*West of the San Bernard River only.

or qualified to represent the interest of C.E.U. and its significantly large membership, comprising a significant percentage of the residents within the established zone of interest. The attention of the Board to this factor cannot be over stressed and particular pleading is made in this regard.

Section V "the extent to which the petitioners participation will broaden the issues or delay the proceeding", can only be viewed as a measure of the good intent of C.E.U. in seeking standing in this proceeding. As the petitioner has explained, C.E.U. is prepared, able, and willing to present such expertise as is necessary to broaden the scope of these proceedings, to aid in the development of a sound record and to help assure that the South Texas Project is operated in such fashion as to present minimum hazard to the residents of the area and the natural inhabitants of the same. C.E.U. recognizes that an untimely petition may have the appearance of delaying the proceedings, however C.E.U. is also aware that the panel has been quoted as saying that it will be "several months" before any decisions are reached, and does not feel, considering the small number of possible intervenors already announced that the consideration of a single additional petition will impose an unfair burden or significantly delay any of these proceedings. Should the Board have further questions as to C.E.U.'s intent to comply with 2.714, it will most assuredly be entertained and dealt with as rapidly as possible.

III ARGUMENT OF STANDING AS A MATTER OF RIGHT

C.E.U.'s argument to its standing as a matter of right under the law will be fairly brief, it being considered quite obvious the nature and direction of such argument. A brief census of C.E.U. membership owning real

this operating license. Further a significant number of the membership either make their living or supplement their income by fishing from the various lakes, sloughs, creeks and brackish water areas, as well as by offshore fishing. Particularly important to these people are shrimp, crab and oysters found in the immediate area of the plant. Through virtually a lifetime of experience, these people have established considerable expertise as to the management of these species, and several highly qualified individuals have expressed a desire to participate in such fashion as C.E.U. may require. Further, owing to the large spectrum of persons represented by C.E.U., there are quite naturally a limited number of persons with accreditable expertise in the fields of agriculture, horticulture, marine sciences, and organic chemistry. Several of these individuals have been contacted by representatives of C.E.U., and have assured us that they will make their services available as necessary. These factors should all contribute greatly to the development of a sound record, and should be construed to be an indication of the earnestness with which C.E.U. embarks upon this proceeding.

Section IV "the extent to which the petitioners interest will be represented by existing parties" seems to have little application in this case inasmuch as at this time there are no existing parties other than the Applicant and the Commission to this proceeding. If the potential intervenors from Austin or San Antonio should be admitted, this would be helpful, however not a panacea to the representation of C.E.U. due to the intimacy of the relationship of C.E.U. membership with the surrounding area. In short, this section of 2.714 is the easiest to answer, but in reality, it is one of the most significant. It is assuredly at this time the feeling of the leadership and membership of C.E.U. that there is no other party at this time available

As regards Section II., "the availability of other means whereby the petitioners' interest will be protected," C.E.U. knows at this time of no other certain petitioners or possible intervenors adequately familiar with the immediate habitats and geography of C.E.U. membership that they may fairly or adequately represent our case. While C.E.U. is aware of at least two possible intervenors, it also asserts that these persons are not intimately involved in the daily comings and goings, business activities, recreation pursuits, and general life style of the membership of this organization, and therefore cannot be expected to fully represent the concerns voiced by this group. C.E.U. asserts to this Board that other than by virtue of the granting of standing to its representative that the well intended desires of perhaps five thousand persons may go unnoticed. C.E.U. considers this a matter of such significant importance that the Board should consider this in the light of special circumstances and admit the attached petition.

10CFR 2.714 (III) states, "the extent to which the petitioners participation may reasonably be expected to assist in developing a sound record", to which C.E.U. replies that due to the character and nature of its membership, considerable assistance in the development of a sound record may be expected. As has been mentioned, many members of C.E.U. make their living directly from the land within a 30-mile radius or less of the proposed project. As such many individuals deeply involved in agricultural pursuits have an intimate knowledge of the reaction of the surrounding area to change. Further, that change may indeed be so significant as to appreciably alter the lifestyles of those individuals, and their expertise should therefore be sought in the consideration of

zone of interest, although C.E.U. does have at its disposal certain experts who may have valuable contributions to make to this proceeding. It is in fact true that while not a professional group of intervenors, the membership of C.E.U. may well have much more to offer to this proceeding in terms of life experience within the zone of interest than any other possible party to this proceeding. C.E.U. also considers it unthinkable that the interest of such a large segment of the immediate population may not be represented if no public hearings are held. It is in this regard that C.E.U. requests of the Board that their petition be allowed and that they be granted standing in this proceeding.

II. TIMELINESS

As set forth in 16CFR 2.714, C.E.U. will stipulate that the reason for their filing so untimely a petition is simply that none of the leadership of the group, and ostensibly the membership was aware that these proceedings were about to occur. There being no students of the law involved in the group, no one within the group actually had access to the Federal Register Announcement. The group has also had other activities of extreme import going on at the time of the announcement, which coupled with the complete lack of publicity, caused C.E.U. not to be aware of this undertaking. C.E.U. can therefore only plead that the Board recognize the inability of citizens organizations many times to be appraised of such proceedings and take into consideration the weight of the further portions of this petition. It seems to the leadership of C.E.U. that, timeliness notwithstanding, the number of people represented and expressing their interest via this petition is significant enough that strict adherence to timeliness might discretionarily waived by this Board.

of the population immediately affected by the S.T.P. that a request for leave to intervene is in order. C.E.U. accordingly will address the provisions of 10CFR 2.714 regarding untimely petitions in this pleading.

Citizens for Equitable Utilities, Incorporated, Charter #383505-1 dated June 21, 1976, was organized to "make energy and utility industries more responsive to the rights and needs of the citizens of Texas through; (1) research of all aspects of any energy or utility organization and the services they provide, (2) promotion of public education, (3) legal action, (4) legislative recommendations concerning any energy or utility industry or organization to obtain the rights and serve the needs of the citizens of Texas from the energy or utility industries and organizations."

C.E.U. at this time has a constituency throughout the state of many thousands, and specifically somewhat over 5,000 persons in the "area of interest", more than half of whom live within a 30 mile radius of the S.T.P., the remainder within a 50 mile radius. A large number of these persons are involved in agriculture and fishing pursuits within the geographical zone of interest. Many persons are dependent upon the fishing of both the inland and offshore waters surrounding the S.T.P. in commercial, recreational and subsistence activities. A large number of persons are actually dependent on the capture of marine life which heretofore utilized as a nursery the sloughs and brackish waters surrounding the reactor site for the supplement of their daily diet.

C.E.U.'s formal existence predates this action by almost three years, and a large portion, if not a majority, of the aforementioned persons have resided in the geographical zone of interest for many years, in some cases for more than one generation. C.E.U.'s membership is made up largely of non-technical persons, whose living is derived from the land within the