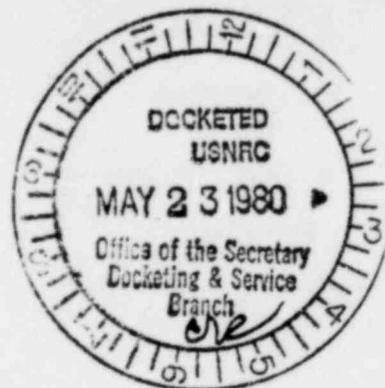


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Esquire, Chairman  
Dr. E. Leonard Cheatum, Member  
Gustave A. Linenberger, Jr., Member



In the Matter of  
HOUSTON LIGHTING AND POWER COMPANY  
(Allens Creek Nuclear Generating  
Station, Unit 1)

Docket No. 50-466 CP

ORDER  
(May 23, 1980)

SERVED MAY 23 1980

I

On May 1, 1980, Applicant filed a Motion To Confirm Agreements On Consolidation And To Consolidate Certain Contentions. In that motion, Applicant made a reference to the fact that our Order of March 10, 1980, directed that parties consolidated on substantially similar contentions should agree and advise the Board which one shall conduct discovery, present evidence, cross-examine, and submit briefs, proposed findings of fact, conclusions of law and argument upon said contentions. That Order also directed that if there are other substantially similar contentions which per-chance were not consolidated by the Board, the involved parties should agree upon consolidation and advise which one will conduct the various activities listed. Applicant now reports that agreement on consolidation and the selection of lead parties representing consolidated

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groups in the majority of instances is complete.<sup>1/</sup> However, Applicant points out that the parties were unable to reach a total agreement on all matters relating to consolidation of contentions. Applicant maintains that reaching a satisfactory resolution of these issues is necessary for the expeditious completion of discovery. Therefore, in substance, Applicant requested the Board to order the involved parties to appoint a lead party for certain consolidated contentions and to consolidate substantially similar contentions as restated in Applicant's motion. Only Intervenor John Doherty and the Staff filed responses.

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<sup>1/</sup> The agreements as to the consolidation of contentions and as to the designations of a lead party, the latter identified by underscoring, are as follows:

1. Hinderstein 5 and Bishop 23(c).
2. Bishop 1 and Lemmer 1.
3. Baker 1, Cumings 1 and TexPirg Additional Contention 32.
4. Doggett 4 and Perrenod 1.
5. TexPirg 1, Bishop 23(a), Conn 2, Cumings 4, Doggett 2, Johnston 5-2/6-1 and Lemmer 2.
6. TexPirg 5 and Cumings 6(b).
7. TexPirg Additional Contention 31 and Doggett 3.
8. TexPirg 2, Griffith 4 and McCorkle 2.
9. Doherty 8 and TexPirg 8.
10. Rentfro 2 and Marrack 2(b)
11. TexPirg 7d and Cumings 6(c).

The instant motion is granted in part and denied in part.<sup>2/</sup>

Within ten (10) days of this Order, the involved parties shall appoint a lead party which shall conduct discovery, present evidence, cross-examine, and submit briefs, proposed findings of fact, conclusions of law and argument upon the following contentions previously consolidated by the Board: Bishop 6 and TexPirg Additional Contention 23.

The requested language of the following contentions previously consolidated by the Board is adopted as the consolidated contention and within ten (10) days of this Order, the involved parties will designate a lead

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<sup>2/</sup> The instant motion is denied in part. In a Reply dated May 5, 1980, Intervenor John Doherty objected to the proposed consolidation of TexPirg Contention 11 and Doherty Contention 31 because, unlike TexPirg's Contention 11 which inter alia questions Applicant's assessment of the effects on flow-induced vibration upon all core instrumentation, his Contention 31 only questions the effects of flow-induced vibration upon local power range monitors. Mr. Doherty also indicated that TexPirg agreed that the latter would not present evidence, cross-examine, and submit briefs, proposed findings and conclusions of law upon local power range monitors. Accordingly, we do not direct consolidation since to do so would prejudice Mr. Doherty's rights. See 10 C.F.R. 2.715a.

In our Order dated May 15, 1980, we denied Mr. Doherty's motion for leave to amend his Contention 17 in order to insert the phrase Anticipated Transients Without Scram. Thus, we deny Applicant's request that we order the adoption of language reflecting the substance of TexPirg Additional Contention 51 and Doherty amended Contention 17. However, we herewith direct that TexPirg Additional Contention 51 be consolidated with Doherty original Contention 17, that Mr. Doherty serve as the lead party, and that, as reflected infra, the Board's amended wording of these consolidated contentions be adopted.

party to conduct the various litigation activities:

TexPirg 6, McCorkle 10 and Bishop 18:

"The maximum credible accident has not been considered because the present safety and environmental analyzes do not consider the effects of a large airplane, such as a Boeing 747, crashing into the containment vessel. Applicant's estimate as to the probability of such a crash is understated because (1) large plane traffic has increased at least 30 percent in the last three years, and will be several hundred percent higher before the plant is closed in about 40 years; and (2) new airports capable of handling such large airplanes have been proposed to be built in the Fort Bend County area much closer than present airports. Accordingly, the plant (1) should be moved much farther away from population centers or (2) the plant containment should be strengthened to withstand the crash of the largest plane that is allowed to fly in the Houston area. This can be done by doubling the thickness of the containment vessel or by burying the plant."

The following contentions are consolidated, the requested language of these consolidated contentions is adopted, and within ten (10) days of this Order, the involved parties will designate a lead party to conduct the various litigation activities:

1. Doherty 11 and Framson 1:

"Applicant has not provided adequate design characteristics and operating safeguards to protect the integrity of stored spent fuel during unattended operation of the spent fuel pool. In addition, the Final Environmental Statement is inadequate in failing to consider the consequences of a spent fuel pool design basis accident."

2. Bishop 14 and Doggett 1(b):

"The FSFES § 9.1.2.3 is deficient in that (a) the environmental costs of coal were overestimated because these costs were based on a nationwide rather than on a source specific analysis, i.e., on an analysis of the Powder

River Basin as the source of coal, using a coal slurry pipeline for delivery, (b) the economic costs of constructing and fueling nuclear plants are escalating more rapidly than costs for constructing and fueling coal plants; and (c) the Staff's coal versus nuclear analysis has not accurately taken into account the rate of escalation of the price of uranium."

The requested language for the following consolidated contentions is adopted:

Doherty Contention 17 and TexPirg Additional Contention 51:

"Intervenor contends pressure from blowdown following a Power Excursion Accident (PEA), Loss of Coolant Accident (LOCA) or Power Coolant Mismatch Accident (PCMA) combined with a single or several stuck relief valves may hit the suppression pool with sufficient force to permit escape of radioactive gases by causing cracks in the containment building wall and endanger Intervenor's health and genetic safety interests. There has been considerable unreliability in pressure relief systems in BWRs, and the reduction from 22 to 19 relief valves increases the danger from failure of any single relief valve or more than one relief valve. Applicant should be required to research all data on such valves, and:

- a. Commit to the use of one type with best record of performance during blowdown conditions; or
- b. use a variety of manufacturer's products to prevent common mode failure."

Cumings Contention 6(c) and TexPirg Contention 7d:<sup>3/</sup>

"There has not been a dispositive assessment of the

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<sup>3/</sup> Upon our own motion, we consolidate Doggett 1(a) (see Order of March 10, 1980) and TexPirg 7a-c, and designate TexPirg as the lead party. Further, we adopt the following language for these consolidated contentions:

"There has not been a dispositive assessment of the energy demand reduction potential that might derive from conservation measures available to Applicant because:

- a. Direct capital investment by the Applicant for conservation retrofitting in the service area has not been considered;

energy demand reduction potential that might derive from conservation measures available to Applicant, because neither Applicant nor Staff has considered the increased use of passive solar techniques."

II

Upon our own motion, we consolidate McCorkle Contention 17 and TexPirg Additional Contention 36 and direct that within ten (10) days of this Order, the involved parties shall appoint a lead party which shall present evidence, cross-examine, and submit briefs, proposed findings of fact, conclusions of law and argument upon the consolidated contentions.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Sheldon J. Wolfe, Esquire  
Chairman

Dated at Bethesda, Maryland  
this 23rd day of May, 1980.

Footnote 3 (continued):

- b. inadequate attention has been given to the likelihood that major industrial users in the Houston area will be producing their own energy in the near future; and,
- c. the rate structure of the Applicant does not provide an incentive for energy conservation."