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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
HOUSTON LIGHTING & POWER COMPANY) Docket No. 50-466
(Allens Creek Nuclear Generating)
Station, Unit 1))

NRC STAFF RESPONSE IN SUPPORT OF APPLICANT'S
MOTION FOR SUMMARY DISPOSITION OF POTTHOFF CONTENTION 6

On August 4, 1980, Applicant filed a motion seeking summary disposition of Potthoff Contention 6 pursuant to 10 C.F.R. §2.749. Potthoff Contention 6 basically asserts that a marine biomass farm is a superior alternative to the Allens Creek Nuclear Generating Station (ACNGS). In support of its motion, Applicant submitted the affidavit of Dr. Herbert Woodson, who is the Director, Center for Energy Studies, University of Texas. After a thorough review of the subject, Dr. Woodson concludes that substantial technological advancements and practical solutions are necessary before it can become commercially viable to produce electric power utilizing marine biomass products and that, therefore, such an alternative is not environmentally preferable to ACNGS.

In addition, Applicant supports its summary disposition motion by stating that NEPA does not require the NRC to consider alternatives that are remote and speculative and are beyond the bounds of common sense. Motion, p. 7, 8 citing Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519 (1978). Applicant submits that Dr. Woodson's affidavit establishes that the alternative of a marine biomass farm to produce electricity

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commercially in the timeframe of Allens Creek is a "remote and speculative" possibility that is not required to be considered. Motion, p. 8. Accordingly, the Applicant requested that the Board grant summary disposition on this contention.

The NRC Staff supports Applicant's motion for summary disposition on this issue.^{1/} In doing so, we would note that we do not disagree with any of the bases set forth in the motion or in Dr. Woodson's affidavit. However, the Staff has determined that we have the resources and the expertise available to further supplement and support Applicant's motion to aid the Board in its determination. Accordingly, we have attached the affidavit of Dr. Paul Kanciruk to support Applicant's motion for summary disposition of Potthoff Contention 6. Dr. Kanciruk is a research associate at Oak Ridge National Laboratory in the Environmental Sciences Division. He is familiar with proposed marine biomass systems and has authored the marine biomass section of DOE's programmatic biomass environmental impacts assessment (DOE, 1980) and has submitted a paper to Science on the potential environmental impacts of marine biomass farms. Dr. Kanciruk's affidavit supports the following specific conclusions:

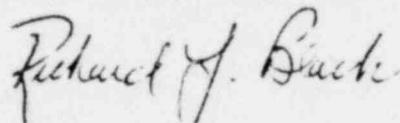
1. Marine biomass is technically remote and speculative and is not a viable energy alternative.
2. The economics and energy efficiencies of marine biomass systems are uncertain.

^{1/}A recent Commission rule change would allow a party to support a motion for summary disposition under the provisions of 10 C.F.R. §2.749 Fed. Reg. _____ (Oct. __, 1980). We have not supported other Applicant motions for summary disposition because we are in substantial agreement with the motions and have determined that further amplification or supplementation of the motion and supporting documents is not warranted.

3. The potential environmental impacts of marine farm deployment are both numerous and serious.
4. Marine biomass systems may create extensive legal issues.
5. The vast majority of research on marine biomass farms has focused on a cold water kelp species indigenous to California. The eventual development of a warm-water species/technology suitable for biomass cultivation in the Gulf of Mexico is speculative.

The undisputed facts set forth in the affidavits of Dr. Woodson and Dr. Kanciruk indicate that the economics of marine biomass systems are uncertain and that the environmental impacts will be both numerous and serious. The facts also indicate that marine biomass is technically a remote and speculative energy alternative. Accordingly, the Staff submits that this issue does not need to be considered by this Licensing Board under the NEPA "rule of reason." Natural Resources Defense Council v. Morton, 458 F.2d 827 (D.C. Cir. 1972). We therefore support Applicant's Motion for Summary Disposition of Potthoff Contention 6 and urge that it be granted.

Respectfully submitted,



Richard L. Black
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 2nd day of October, 1980