



POOR ORIGINAL

Jan. 26

1981

2 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-466 CP

JOHN F. DOHERTY'S CONTENTIONS 55

John F. Doherty, Intervenor pro-se in the above Construction License proceeding now files these Contentions in response to Staff's release of NUREG-470, Supp. No. 2, "Draft Supplement to Final Environmental Statement related to the Construction of Allens Creek Nuclear Generating Station, Unit No. 1,"(hereafter: Draft). This document was available according to Staff on December 17, 1980.^{1/} Hence, Intervenor has treated his obligation to file Contentions based on the Draft as granting him 30 days from December 12, 1980. He further bases his right to file these on new information provided by the Draft. The Board in its Order of December 17, 1980 (p. 2); stated, "Staff advised that the second Supplement to the FES would be issued soon (TR. 1810-15) and the Board observed and Staff agreed that said issuance might generate amendments to petitions to intervene..." (TR 1818).

CONTENTION 55.

Intervenor contends that for the reasons listed below the site designated Je-3 in the Draft is a superior site, with less environmental impact for the same benefit, as the site proposed by Applicant in Wallis, Texas. Hence, said Je-3 site must be used for the proposed boiling water reactor to fulfill the aims of the National Environmental Policy Act (NEPA). Intervenor does not contend that necessarily each of the below reasons is sufficient to conclude the Je-3 site is environmentally superior and hence preferable, but rather that a combination of some or all of the reasons do so.

^{1/} It was announced at 45 Fed. Reg. 79,800.

8102040285 8

over
DSO's
30/1

Contention 55 Parts (a) to (c)

(a) Intervenor contends Staff has erred in its calculations of the amount of land to be taken for power line transmission rights-of-way for site Je-3. Using 73 miles as transmission line length, and using a 150 foot wide right-of-way a minimum recommended in Table 4.1 of Management of Transmission Lines Right-of-way for Fish and Wildlife, Vol 1, pg. 24, (Dept. of Interior, Fish & Wildlife Service, (1979)), the typical right-of-way for a 345 kv line is 15-170 ft or 18.2 - 20.6 acres permile. Using 15 ft/ mile this would require 1,328 acres, which is 442 acres less than staff estimates, and 523 acres less than required by ACNGS (Draft, Sec. 2.3.1.2, Pg 2-23)

(b) Intervenor contends the Draft did not consider the possibility (and hence erred) of meander cut-off (as a result of flooding) on the Brazos River at a point approximately 1.1 miles upstream from a point marked "B 1" in Figure S. 2.3 (Page S. 2-8) of the Final Supplement to the Environmental Impact Statement. (The Special Pre-Hearing Conference of 10/16/79, pp. 984-989, covering a Bishop Contention has more on this). If the Brazos River takes this new course, construction of a pipeline to the make-up pumphouse in excess of two miles would be required. In addition, a mile of piping from the spillway to the Brazos, would probably be required unless the prior spillway were closed and a new one constructed. An additional impact would be down-time for the ACNGS, caused by low cooling pond water level while the new make up piping and other facilities were constructed. Intervenor contends failure to include this in the comparison between Je-3 "makeup and discharge pipeline" impacts (Draft, Table 2.10, Page 2-58) and ACNGS was in error and that the Je-3 site is superior to the ACNGS site with regard to environmental impacts caused by makeup and discharge pipelines.

(c) Intervenor contends the Draft is in error in its conclusion environmental impact on terrestrial species from a plant at the Je-3 site would be the same as that of the ACNGS with

Contention 55 Parts (c) to (e)

regard to threatened or endangered terrestrial species, on Table 2.10, Page 2-58. The Final Supplement to the Final Environmental Impact Statement, (Table S. 2-5, Page s. 2-7) lists six species from the "Endangered and Threatened Wildlife and Plants," list from 1977, for ACNGS, but the Draft mentions but two species, the red wolf and the alligator, and the Coastal Site Comparison Report by Tera Corporation (Nov. 1980) lists but three others: Eskimo Curlew, Brown Pelican and Southern Bald Eagle, none of the three of which are believed to inhabit the specific site (Tera Study, pg. Je-3-7). Hence intervenor contends the Je-3 site is superior because the impact to endangered or threatened terrestrial species is less at Je-3 than at ACNGS.

(d) The Draft has speculated considerably in the impact to the "onsite" area in its terrestrial ecology analysis. First, although it references the circular mechanical draft cooling towers of the FES of the Blue Hills Station, on pg. 2-38, it states a requirement for three of these "towers" while the Blue Hills Station FES (NUREG-0449, pg. 3-7 requires but two such units. Next, it is unclear from the text if the Draft considered a cooling lake or a cooling tower in arriving at the conclusion on site impacts would be the same at Je-3 as at ACNGS (Draft, Table 2.10, pg 2-58). Intervenor thus contends the onsite impact will be less at Je-3 site than ACNGS site.

(e) Intervenor contends since the cooling towers for the Je-3 site will accomplish the same task as a cooling lake for the ACNGS site, these two different cooling systems must be compared for "onsite impacts", (Draft, Table 2.10, pg. 2-58). Intervenor contends the use of circular mechanical draft cooling towers as described in NUREG-0574, "Final Environmental Impact Statement Related to selection of the preferred closed cycle cooling system at Indian Point Unit No. 3, (Dec. 1979, Sec. 2.4.3.3) at the Je-3 site would have less impact at that site than a cooling lake at ACNGS, because of less land use, less visual impact, and less loss of habitat for protection of terrestrial fauna.

POOR ORIGINAL

Contention 55 (Continued), Parts (f) to (h)

(f) Intervenor contends the Draft erred in concluding the ACNGS site superior to the Je-3 in aquatic ecology and water use, because the conclusion is based on being able to determine but 4 of 9 categories (Draft, Table 2.11, Pg. 2-61). Hence, Staff has not "adequately weighed the relevant environmental factors in deciding whether and how to go forward with the project."

Conservation Society of Southern Vermont v. Secretary of Transportation, 362 F. Supp. 627,633 (D.C. Vt. 1973) affirmed 508 F2d 927 (2nd Cir. 1974), vacated 423 U. S. 309,(1975).

(g) Intervenor contends the effect of transmission lines on (1) terrestrial habitat quality, and (2) endangered species will be greatly mitigated by use of a single 345 kv connection from the Je-3 site and the Cedar Bayou unit of applicant. Power requirements at the P. H. Robinson unit of applicant could then be shifted from Cedar Bayou to P. H. Robinson via the existing 345 kv line between these two applicant plants (Draft, Fig. 2.7, Page 2-13). Use of this plant would make the Je-3 site of less environmental impact in these two characteristics than ACNGS in these two characteristics on its site.

(h) Intervenor contends Staff's conclusion the impact on habitat quality (Draft, Table 2.11, Page 2-61) will be greater for site Je-3 than ACNGS is in error, because it is based heavily on a "Personal Communication" (Ref. 10, Pg. 2-69, referring to a statement on Pg. 2-39) which is (a) too vague for the significance accorded it, and (b) a private record unavailable to interested persons for purpose of comment. Information on habitat quality does not appear to be so rare as to make such communications the lynch pin of an important determination. Hence the determination is unsupported even in this somewhat cursory first look at sites.

Respectfully Submitted,

John F. Doherty
John F. Doherty

Certificate of Service Enclosed.