

U. S. NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

HOUSTON LIGHTING AND POWER COMPANY
Nuclear Generating Station, Unit 1)

Docket No. 50-466

NOTICE OF APPEALS

According to Rules of Practice For Domestic Licensing Proceedings, Part 2, 2.718, this constitutes our Notice of Appeals.

BRIEF

Our residence is located less than 30 miles to ACNGS. Robert S. Framson's employment requires frequent in Harris, Fort Bend, Wharton, Austin, Brazoria and Waller Counties. Our residence is located a close proximity to major thoroughfares, freeways, 610 Loop and less than 1/2 mile to a main railroad line, some of which in every probability will be used in transport of radioactive cargoes, ingress and egress ACNGS.

For about ten years, Madeline Bass Framson has been studying and researching the Nuclear Power issue. She has in her personal library collected in this period of time cartons and cartons becoming a "roomful" of data, documents, reference material, information, etc. on this subject. She has on her own collected signatures, addresses, etc. in this local area of over 2000 persons supporting the national Clean Energy Petition, "I petition my representatives in government to sponsor and actively support legislation to: (1) foster wide use of solar - including wind - power NOW, and (2) phase out operation of nuclear power plants as quickly as possible", which has been presented to Congress by Ralph Nader. She has disseminated information and arranged programs and debates with expert speakers on this subject for media, groups and individuals through the years. These groups included environment, civic, church, academic and other kinds of groups. In this contact with the public, it is very apparent to her there is widespread alarm and concern over ACNGS and other plants. To answer a query posed not long ago by Harold Scarlett, Houston Post Environmental Writer, regarding the "lack of public participation" and to speak to the issue of NRC's tilt away from public participation, the following observations have been made by her over these many years.

More and more groups and individual citizens throughout the country have long felt and were continuing to realize that USNRC procedures and hearings are preorchestrated scenarios tilted against public input. This opinion is based on NRC's past record of flagrant capricious and prejudicial conduct and it is becoming apparently clear that NRC's record "in the matter of ACNGS" is consistent with that allegation.

First, I wish to address the issue of NRC's "blackout" on information to the public. It can be easily documented that the NRC's performance to inform the public of the ACNGS prehearings and hearings has been pitifully negligent, particularly compared to other government agencies. We have in our possession numerous media conspicuous notices by other government agencies announcing far in advance an invitation for public participation in a hearing or by written response, something NRC has repeatedly failed to do. This function, because of NRC's dereliction, has been undertaken to the degree possible under difficult circumstances by volunteers among the petitioners to intervene with their limited time, resources, experience and funds. It was suggested to NRC in our Petition for Leave to Intervene, Oct. 10, 1978 (Appendix A), "Information regarding the hearings of this project should be widely disseminated through all media and direct communications to all citizen organizations by the USNRC to the Houston-Galveston Standard Consolidated Statistical Area and elsewhere, as the project will have a definite impact on every single citizen in the area as well as the total environment."

Prior to, during and since the special prehearing, various petitioners have registered their vigorous objections to the unnecessary, arbitrary and unjust obstacles and deterrents deliberately burdened upon petitioners by the NRC's capricious conduct prior to the special prehearing and during the special prehearing in countless ways - dereliction in proper advance orientation for petitioners to present valid contentions, imposing unreasonable and impossi-

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ible limitations of time to prepare adequately-prepared contentions by correspondence (NRC allowed only 3 days to prepare contentions and ruled that the contentions must be based on information that was available only after December, 1975, which was two years after the change for intervention), scheduling hearings in the least accessible locations; further compounding this problem for petitioners by arbitrarily expecting petitioners' rebuttals immediately following receipt of the NRC Staff's response to contentions at the time of the special prehearing, imposing on petitioners a location for preparation of rebuttals - a restricted location without accessibility to documents, data, reference materials, without typewriters, paper, etc. in an environment absolutely not conducive to thought, research and concentration. (Appendix C).

The written and unwritten procedural requirements are evidently staged to be so complicated and demanding that for many years it has very frequently been expressed to us by all kinds of professional and non-professional people (lawyers, engineers, scientists, teachers, doctors, chemists, housewives, merchants, etc.) that, "We are not sure we are qualified" or "We don't have the huge amount of time this demands" or "We don't have the exorbitant funds or resources to meet NRC requirements for public participation" or "NRC requirements are so complicated and demanding that we would be compelled to neglect our families, our jobs and our total personal lives!" These remarks have been expressed by groups and individuals - environmental, civic, etc. - but they all preface these remarks with expressions of serious concern and alarm about nuclear technology and its problems and would like to see a moratorium declared on it. This feeling is so widespread that obviously one can deduce that public participation is truly not the goal of the NRC.

created

With reference to NRC bureaucratic barriers, Ernest Beyer, U.S. Education Commissioner, has recently argued in his reference to government bureaucracies that bureaucratic jargon has arisen because professionals like to develop a language of their own to keep non-professionals out. "We confuse great ideas with cluttered language," he says. Another problem is the tendency of officials to be obscure when they are tackling tough questions: "They hesitate to lay it on the line and they use lots of words to confuse the questioner."

The fact becomes evident that in a population of close to 3 million (Chamber of Commerce Houston-Galveston SCSA), only 30 plus persons petitioned to intervene because in too many instances they were not properly informed of their right to intervene, or the process as to how to intervene or were apprehensive and discouraged to participate in the unnecessarily complex, inextricable "maze" the NRC compels one into with public participation.

The petitioners for years advocated greater public involvement through a referendum (Appendix A), "Better yet would be to have the decisions placed in the hands of the public-at-large through a general referendum. This fastest growing megalepolis projected to go into 5 million in the 1990's should be the major decision-makers. As the format now stands as orchestrated by the USNRC, because the public is not adequately informed of its right to participate, there will be scant random participants - certainly a format from its inception tilted away from public input."

At the Feb. 8th, NRC alternative sites meeting in Houston, the petitioner advocated a "rate-payers referendum", which have been held in other parts of Texas and throughout the country. The applicant Jim Parsons replied that federal licensing procedures already "provide for public input, perhaps more so than a referendum would." Obviously, Jim Parsons has a misconception of NRC procedures in allowing and stimulating public participation, as when only 30 plus out of close to 3 million (a ratio of 1 to 300,000) in spite of undue obstacles, fulfill intricate requirements to petition to intervene, one does not have to be a mathematician to conclude the NRC procedure requirements produce a fiasco in public participation.

To further support this, as in a game of bowling when one strives to knock down pins, the NRC through further complicated obstacles in the procedural requirements on contentions, "knocked down" the original petitioners from 30 plus to 24. Following this stage of the "game", "to rub salt into the wound" the NRC has "knocked down" 20 more and deigned to allow a paltry 4 to "represent" this burgeoning population as "parties" to the hearing - a ratio of 1 to 750,000 population! Another impact by the ASL Board on public input, was to allow only 9 contentions out of over 150 contentions submitted to be considered at the hearing.

It has to be observed at this juncture, that the backgrounds of the 4 persons chosen by Attorney Sheldon J. Wolfe, Chairman, Atomic Safety and Licensing Board, were persons all with legal backgrounds - 3 being attorneys and 1 an advanced law student. One would deduce from this, the Chairman's propensity to view these with legal backgrounds in a special light. This deduction is reinforced in observing Attorney Sheldon J. Wolfe's decision in the matter of Exxon Nuclear Company, Inc. (Nuclear Fuel Recovery and Recycling Center), Docket No. 50-564, Sept. 30, 1977 in Order Ruling on Petitions For Leave to Intervene in regard to Ms. Jeannine W. Hemicker, "We concur with the Licensing Board's assessment in its Order denying Ms. Hemicker's petition for leave to intervene in the Watts Bar proceeding. In Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), LEP-77-36, 5 NRC 1292, 1297 (1977), the Board observed that:

.....While the Petitioner is an intelligent person who takes a commendable interest in civic matters, she is not a lawyer nor possessed of scientific or technical training. She does not have available to her some type of professional assistance in connection with the evidentiary presentation....."

*petitioners' underscoring

The question should be raised whether an "unbiased" judgment was made by Attorney Wolfe in the choice of parties in the intervention. The environmental impact of nuclear power plants is very democratic in that it hits a cross-section of a total community - people from all walks of life, the young and the old, rich or poor, professional and non-professional, lawyers, scientists, engineers, chemists, teachers, housewives, plumbers, etc. Among the petitioners to intervene and were denied are Dr. Joe C. Yelderman, M.D., Dr. David Murrack, M.D., Dr. Edgar Crane, Univ. of Houston Professor, School of Business Administration, Dr. Jean-Claude de Bremaecker, Rice University Professor and geophysicist, Dept. of Geology, Dr. Emanuel Baskin, research geophysicist, PHD in nuclear physics, Mr. Allen D. Clark, chemical engineer. Dr. Yelderman and Dr. de Bremaecker testified at radiation safety hearing in 1976.

What is left now to these cast-aside persons and others? The NRC gives them the right to make what NRC terms "limited appearance". The NRC is absolutely correct in calling it "limited". In essence, limited appearance is tokenism - a placebo, a veneer, a facade, NRC's staged pretense of being part of the decision-making process, when it is truly not. This limited appearance (a 5-minute statement) is like the girl who wanted to be the bride and then was allowed to be "flower girl", except that in this case limited appearance means much less than that. In fact, Federal Code has designated that limited appearance is not equivalent of being a "party" at a hearing.

Something is seriously amiss with a government bureaucracy when its written and unwritten procedures allows only 4 (all attorneys) people out of 3 million to be truly part of the decision-making process.

As a public tax-supported government bureaucracy with public tax-supported employees who are supposed to represent the people, it is hoped by petitioners that the USNRC will be more conscious of its credibility and sense of justice in not impeding public input with its imposition of almost insuperable obstacles in its decisions, frequently not based on regulations. The USNRC instead of placing impediments and obstructions in the way of petitioners should be encouraging the public to participate and aid petitioners in the proceedings, petitioners who for the most part are inexperienced with NRC procedures. The USNRC's function is to protect the public interest and to "regulate" the vested interest for the public's sake - not to "preempt" and alert for the sake of the vested interest.

Petitioners stand on the validity of their contentions (Appendix B) and their arguments in defense of their contentions (Appendix C). Petitioners will "prove" their case as required, when allowed to be party to the hearing. No one else can represent the interest of the petitioners. According to 42USCA Section 2239, "In any proceeding for the granting of a construction permit, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding and shall admit any such person as a party to such proceeding."

In summary it should be emphasized because USNRC allowed only 3 months to prepare contentions and because they ruled that the contentions must be based on information that was available after December, 1975, which was 2 years after the chance for intervention in the prior hearing, and to make the USNRC procedural process viable in allowing true public participation, petitioners respectfully beg the Atomic Safety and Licensing Appeal Board to reconsider the previous decision and allow them as parties to the ACNRS hearing.

February 27, 1978

Robert S. Franzen
Madeline Bass Franzen
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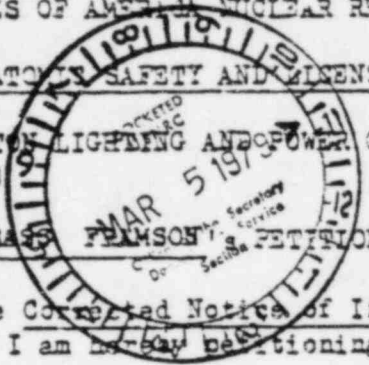
UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

APPENDIX A

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Case No. 50-466
 October 10, 1978



ROBERT S. & MADELINE BASS FRAMSON'S PETITION FOR LEAVE TO INTERVENE

In accordance with the Consented Notice of Intervention Procedures or of Sept. 1, 1978, and 10CFR, Section 2.714, I am ~~now~~ petitioning for leave to intervene in the construction permit proceedings.

My domicile is located less than 30 miles from the proposed Allens Creek Nuclear Project. Information regarding the hearings of this project should be widely disseminated through all media and direct communications to all citizen organizations by the U. S. Nuclear Regulatory Commission to the Houston-Galveston Standard Consolidated Statistical Area and elsewhere, as the project will have a definite impact on every single citizen in the area as well as the total environment. Better yet would be to have the decision placed in the hands of the public-at-large through a general referendum. This fastest growing megalopolis projected to go into 5 million in the 1990's should be the major decision-makers. As the format now stands as orchestrated by the U.S. Nuclear Regulatory Commission, because the public is not adequately informed of its right to participate, there will be scant random participants - certainly a format from its inception tilted away from public input.

My concerns of this project are multitude and varied. The whole nuclear fission process from its inception in uranium extraction to the disposal of nuclear wastes and decommissioning of facilities is a deleterious process to the total environment, to our way of life, to our very existence and a demonical injustice to future generations. Safety, the growing increase of technical and human accidents, euphemistically termed, by industry and government, as "incidents" forcing society to play the depraved game of "Russian Roulette", the transport of radioactive cargoes, both foreign and domestic, on our byways (my residence is a close proximity to the 610 Loop where radioactive and hazardous materials are already being transported), the complete disregard for the public's welfare in the absence of an evacuation plan that is realistically possible in the event of a meltdown or some degree thereof followed with an "unplanned" release of radiation, the increments in nuclear pollution, both planned and unplanned, leading to increments in cancer, deformities, mental retardation and all genetically related diseases including coronary heart disease, mutations and birth defects, the effects of wasting diminishing resources such as land and water, the economic unfeasibility of nuclear generation, tying our country into another "dependency" energy technology with an even more limiting finite fuel source under the merciless stranglehold of the unscrupulous and infamous uranium cartel, the overwhelming burden placed on the taxpayer in subsidizing the nuclear industry and the overwhelming burden and exploitation placed on the consumer through distorted rates to capitalize the monopolistic utility industry which has a myopic proclivity for nuclear generation, the very low-job ratio of the nuclear industry, the vulnerability created through this process to nuclear terrorism and blackmail with the by-product through intensive security of subjugating society to a "police state", the increased possibility of diversion of plutonium for making private atom bombs which could be the crucible to a world-wide nuclear holocaust, are just some of the concerns I have with the Allens Creek Nuclear Project.

The utter disregard and intransigence of the nuclear industry and policy makers in government to capitalize on other renewable, safe, cost-competitive, job-intensive, existing and proven technologies, the manipulation away from credible funding for research and development of other energy technologies with less or no environmental impact, and even more so, the complete oblivion to conservation and upgrading efficiency in the existing energy technologies which some experts feel would preclude the necessity of an increase of any kind of generating plant much less "nuclear" generating plants, is a display of an intolerable diabolical arrogance perpetrated on society. As part of this society, I wish to make these contentions, which are all applicable to the Allens Creek Nuclear Project, known at this hearing.

Robert S. Framson
 Madeline Bass Framson

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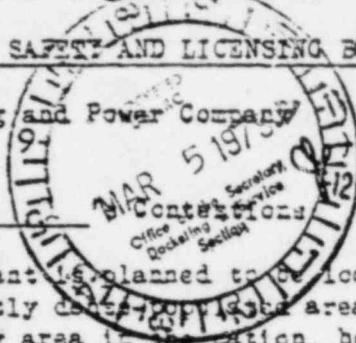
United States Nuclear Regulatory Commission
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

APPENDIX B

In the Matter of Houston Lighting and Power Company
(Allens Creek, Unit 1)

Robert S. Franson
Madeline Bass Franson

Docket No. 50-466
November 2, 1978



1. The proposed Allens Creek Plant is planned to be located at a site that will have an environmental impact on a presently developing area. This location is in an area that is about the fastest growing area in the nation, both in numbers and in geographical dimensions. Applicant should be denied permit for construction until demographic studies are made for a time frame during the life of the plant to its demise in 30 years. Since the plant and its environs will still be radioactive after its dysfunction, studies should be made on its environmental impact into perpetuity, and demographic studies should be made for a time frame after the initial 30 year period and thereafter, ad infinitum, of this population that will be burdened with this environmental impact.
2. Construction permit should be denied until studies are made for the routes to be used for radioactive materials in the complete nuclear cycle from delivery of fuel rods to the plant to the removal and transport of radioactive wastes from the plant. License should be denied until the public is informed of these routes and is allowed adequate time to intervene at hearings, as to the transport of radioactive materials and wastes to and from the plant, on the total spectrum of its environmental impact.
3. Environmental impact studies, including planned radiation emissions and unplanned radiation emissions in an accident, during transport of radioactive materials and wastes in the complete nuclear cycle relating to the Allens Creek Plant on these proposed routes should be made. My family will be subject to this environmental impact and radiation emissions since our residence is located a close proximity to the 610 Loop and many other main freeways and thoroughfares. Robert S. Franson's job, which requires 50% travel, includes travel in the complete radius of Houston and Harris County, and also into Fort Bend, Wharton, Austin, Brazoria, Colorado and Waller Counties.
4. An average nuclear reactor can turn out as much as 32 tons of radioactive spent fuel a year. DOE Assistant Secretary John O'Leary and Dr. Ralph Lapp, utilities consultant, indicate that there will be at least ten year on site storage of high level radioactive wastes which makes the Allens Creek Nuclear Generating Station essentially a Nuclear Waste Repository for at least ten years and perhaps, in perpetuity, since the problems of radioactive wastes are insoluble. Permit should be denied until studies are made of the radioactive emissions from the steady increments of radioactive wastes stored on site. This increased storage time would necessarily increase hazards to the public's health and safety. A substantial increase in the amount of radioactive waste at the plant site could force the plant to curtail operation or shut down altogether in order to cease the generation of wastes. The environmental, health and safety issues are germane to the interim and ultimate storage of radioactive wastes not only to this generation but to future generations.
5. This increment of radioactive wastes, which will include weapons-grade plutonium for bombs, stored on plant site creates a serious security risk and makes this area vulnerable to theft, violence and nuclear terrorism. These acts of nuclear terrorism could trigger an accident of catastrophic proportions releasing excessive amounts of radiation, with resultant destructive effects to the public and the environment.
6. Drs. John Gofman and Arthur Tamplin, world renown nuclear physicist and medical physicists, both formerly connected with the Atomic Energy Commission, in their many years of research of effects of low level radiation indicate that there is no known "safe" level of radiation. Also confirming their research are studies by distinguished scientists in this country and abroad, recently revealed in spite of attempted suppression by certain govern-

ment agencies. These studies indicate that government standards for safe levels of radiation are flawed and erroneous. Drs. Karl Z. Morgan, former director of health physics at the Oak Ridge, Tenn. Nuclear Facility for 30 years, Irwin Gross, Director of Biostatistics, Roswell Park Cancer Institute, Thomas F. Mancuso, University of Pittsburg, research scientist under ERDA grant, Alice Stewart, internationally regarded epidemiologist, Birmingham Univ., England and her associate, George Kneale, biostatistician, are just some of the scientists whose research data reflects that levels of radiation exposure that have been considered safe by the government are actually dangerous. These so-called government standards have caused cancer and the implications are far reaching in effecting not only nuclear workers but the population-at-large. Dr. Mancuso has stated, "...the risk for the industrial population is 10 times greater than was estimated before. Therefore, the standards should be reduced by 10 times, become 10 times more stringent, and consequently, the general population which is exposed to a fraction of what the industrial population is, will have to be reduced accordingly. Construction permit should be denied until non-government, independent investigators study and revise radiation limits for atomic workers and the general public.

6. The population-at-large should not be lumped into one stereotypical individual, with equal susceptibility to radiation. Radiation has a cumulative factor. Particular health, disease, age, pregnancies, genetics are just some of the factors effecting individuals' susceptibility to radiation. It is already medically known that the young, who make up the majority of the population, and pregnant women are predisposed to radiation. Our family is also one with high susceptibility to radiation.

Madeline Bass Franson has pernicious anemia, complete deficiency of hydrochloric acid and serious hypothyroidism. Her physicians are Chiefs of their Departments, in research and teaching, at the Baylor College of Medicine, Houston, Texas. These physicians, as well as medical journals and textbooks indicate that these medical conditions make Mrs. Franson one of the highest cancer-prone risks. These doctors have advised Mrs. Franson that if cancer occurred it would be "environmentally triggered".

Robert S. Franson has serious colon and prostate conditions and is also considered a high cancer-prone patient. Both Mr. and Mrs. Franson will have to be examined periodically for the rest of their lives for cancer - several times a year.

My family's interest is not protected with the proposed Allens Creek Plant and its environmental impact and I feel we represent the vast numbers in the general population with various medical problems, conditions and ages that are highly susceptible to radiation. To license this plant is to state that a large segment of the population is expendable. Construction permit should be denied.

7. The building of Allens Creek Nuclear Plant will not only increase the danger to health and safety, but will also cause decreased civil liberties. This is because of the extensive protective safeguards required to protect against sabotage and terrorism. Suppose someone reported that a portable rocket capable of breaching the containment was in the area of the plant, do you suppose that the police would wait to get a search warrant before conducting house to house searches at all homes close enough to hit the containment with the rocket. The Barton Report of Oct. 31, 1975 was prepared under contract of the NRC, and it gives a detailed discussion of the problem. The EIS has not considered this environmental impact and so is incomplete.

8. The safety analysis has failed to consider the danger from insulator failures in containment electrical penetrations. During October and November 1977, the Millstone plant had several failures due to the epoxy insulator intrusion into cable splices that led to high resistance heating that caused short circuits between conductors that were to have been isolated. At Allens Creek, this can cause electrically operated valves to be in the incorrect position (as open when supposed to be closed), and failure of alarms to operate properly which can endanger the public health and welfare.

9. The EIS and Safety Evaluation of Allens Creek is defective because they used the WASH 1400 Reactor Safety Study results as the basis of expected safety as the plant. Yet, several recent studies have all indicated that the report is wrong in its calculation of the probabilities of various accidents at the plant. It failed to account for the interaction of various failure mechanisms that are not independent events as assumed. It failed to account for the mistakes and fears of ordinary human beings that operate plants such as Allens Creek. The report did not consider that a worker might use a candle to set the Browns Ferry fire that almost caused two core melts. It claimed that no spacemen would burn up on the ground while sitting in the space ship, yet 4 men have already done so. Until the data is convincing to the insurance industry such that they will insure all losses then the Allens Creek plant should not be built.

10. The present plan for decommissioning Allens Creek is inadequate because it does not insure that the applicant will be able to properly decommission the plant or pay for it if some way was available to do it safely. Before building the plant and spending over one billion dollars in construction costs, the applicant should post bonds held in escrow to insure that the money will be available to properly decommission the plant. Both the GAO and the Congress have recently issued reports on this problem.

11. About 31 million acres of U.S. farmlands have disappeared in the last decade, according to EPA. That's an area half the size of the State of Wyoming. The diminishing supply of food for our nations with its rapid growing population has serious implications for its economy, stability and security. In a world-wide context, it's a peace/war factor. The EPA intends to limit this adverse impact. The Allens Creek Plant should not be constructed as it is obviously contributing an adverse impact in destroying over 5000 acres of rich food-producing farmland, a diminishing natural resource.

12. A large number of environmental and safety problems are associated with the BWR, Mark III containment, Emergency Core Cooling System, automatic Protection systems, etc. to be used in the Allens Creek Plant, but I must stop now to get this photocopied and mailed before deadline, although I have studied and prepared almost full time for the 5 days since being told that contentions would have to be submitted by Nov. 2nd. I again wish to register my objections to the arbitrary unfair acceleration of schedule not giving petitioners adequate time for proper preparation of contentions. If I am given sufficient time as allowed by my constitutional right of "real" due process, I will submit more contentions and elaborate more on the above.

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

Docket No. 50-466

The manner in which the Applicant and NRC Staff grouped responses together of 11 petitioners' contentions is evidence of Applicant's and NRC Staff's unspecificity and vagueness. In many instances, the contentions were inappropriately grouped with a presumption of similarity.

Petitioners wish to register their vigorous objections to the unnecessary, arbitrary and unjust obstacles and deterrents deliberately burdened upon petitioners by the USNRC's capricious conduct prior to the special prehearing and during the special prehearing in countless ways - dereliction in proper advance orientation for petitioners to present valid contentions, imposing unreasonable and impossible limitations of time to present adequately-prepared contentions by correspondence, further compounding this problem for petitioners by arbitrarily expecting petitioners' rebuttals immediately following receipt of the NRC Staff's response to contentions at the time of the special prehearing, imposing on petitioners a location for preparation of rebuttals - a restricted location without accessibility to documents, data, reference materials, without typewriters, paper, etc., in an environment absolutely not conducive to thought, research and concentration.

Petitioners wish to object to the fact they have never received copies of the contentions of the earlier petitioners, such as TEXping and John Doherty. Objections are hereby registered to Applicant's Motion for Order of Schedule. This schedule is an acceleration in a time frame that will negate intervenors' adequate time for proper preparation for presentation. It is hoped that the NRC will not follow its previous pattern in once more placing this arbitrary obstacle before intervenors and will give serious weight for a more reasonable time schedule.

Petitions maintain that all contentions are based on new information and should be part of the full hearing.

1. Some of the background material on this contention is based on "Growth Options", Rice Center for Community Design, May, 1978, under the aegis of Charles Sevino, "Population Land-Use Draft for Greater Houston, 208 Area, Houston-Galveston Area Council (HGAC), Doris Ebner, April 1, 1976, "Population Land-Use for Greater Houston, 208 Area", HGAC, Doris Ebner, April 1, 1977 and Houston Chamber of Commerce Houston Area Population Report, February, 1976, 1977, and 1978.

2.-3. These contentions regarding the nuclear fuel cycle, transport of radioactive materials to the plant and nuclear wastes from the plant impose a serious environmental impact on our family, our residence is located less than 30 miles from the plant and Robert Framson's business requires his frequent travel in Harris, Fort Bend, Wharton, Austin, Brazoria, Colorado and Waller Counties, and our residence is located a close proximity to major thoroughfares, freeways, 610 Loop and less than a 1/2 mile from a main railroad line. Many accidents have occurred in our country during the transport of radioactive materials - to cite just two - one on September 15, 1978 in Pennsylvania and another in early September, 1978 with a truck destined for Barnwell, S. Carolina. Containers carrying radioactive materials ruptured during the accidents and it is obvious radiation emitted during accidents will exceed limits of regulations.

4. This contention regarding on site storage of radioactive wastes, the criteria for the interim storage is not adequately covered in the Final Supplement to the EIS. "Nuclear Waste", MacNeil/Lehrer Report, DOE Asst. Sec'y. John O'Leary, Dr. Ralph Lapp, Dr. Peter Montague, July 27, 1978, "Comments of the State of Texas On the Draft EIS Concerning Management of Commercial High Level and Transuranium-contaminated Radioactive Waste", November, 1974, "Improvements needed in the land disposal of radioactive wastes - a problem of centuries, GAO, 1976. Not only are the environmental, safety and health factors issues germane to the steady increment of on site storage of radioactive wastes, but this has a serious economic impact in that the plant could prematurely have to curtail operation and shut down altogether in order to cease the generation of wastes.

5.-7. These contentions regarding nuclear terrorism with the resultant threat to civil liberties because of stringent protective safeguards is based on many documents including NRC contracted "Intensified Nuclear Safeguards and Civil Liberties", John H. Barton, late 1975, Statement by Bruce L. Welch, PHD, before the Joint Committee on Atomic Energy, U.S. Congress, 1974, "Nuclear Power Plants Vulnerable to takeover by Armed Individuals, GAO, 1974, "Nuclear Terror", Sierra C. Bulletin, Dec. 1975, "Nuclear Sabotage", Bull. Atomic Scientists, Oct. 1976, "Security at Nuclear Power Plants: at best, inadequate", GAO, 1977.

6. This contention relates to the somatic and genetic effects of low level radiation. As the Applicants's response states, "low level radiation have been subjects of continuing research and investigation over the past 25 years or more" the history of government radiation standards, in spite of the fact that scientists and medical physicists have taken issue, have always been indicated by hindsight in over 25 years that the radiation exposure allowed was always too high! Countless times in this time frame, the government has had to revise its safe radiation standards downward after obvious "bodycounts" - thus, treating atomic workers and the population-at-large as human guinea pigs, considering many segments of the population, depending on their jobs, ages, somatic conditions, etc. expendable! At the present time the Texas Dept. of Health, Division of Occupational Health and Radiation Control is in the process of revising its regulations with the "Proposed Amendments to the Texas Regulations for Control of Radiation, Parts 32 and 36", Draft January, 1978. Some references on this contention include "Health Physics", Dr. Thomas Mancuso, Oct. 1977, Dr. Irwin Bross' Study reviewed in Journal of AMA, May, 1977, "Beta-dose to Critical Human Tumor sites from Krypton 85", Health Physics, Dec. 1977, "Danger: Radiation", MacNeil/Lehrer Report, with Dr. Irwin Bross and Dr. Karl Morgan, "Nuclear Cancer: It's Top Secret", Jack Anderson, Dec. 1977, Good Morning America, with Dr. Thomas Mancuso, March, 1978. On November 10, 1978, Environmental Protection Agency Stephen J. Gage indicated that a study that began in 1975 by EPA and the Colorado Medical School showed that quantities of plutonium have been discovered in persons living near a nuclear facility.

8. This contention relates to the safety analysis failure to consider the danger from insulator failures in containment electrical penetrations. The failures that occurred in October and November 1977 at the Millstone Plant was with Unit 2. Similar to the Millstone Plant, Unit 2, ACNGS has wiring passing through its containment and this defective wiring can cause electrical failure during the operation of the plant.

9. This contention is based on NUREG/CR-0400, "Risk Assessment Review Group Report to USNRC", prepared by Harold Lewis, et al, Sept. 1978. The BWR control rod controversy concerns a "square root bounding model" adopted by NRC for the calculation of low and high common cause failure probabilities. The model uses a number of compounded subjective judgments (log-normal distribution of failures, symmetry in the placement of upper and lower bounds, etc.), with an end-result that is somehow considered firm. "The degree of arbitrariness in this procedure" comments the risk group in hardly representative language, "boggles the mind." (A normal distribution of failures would increase risks by a factor of 1,000. For BWR control rod failure, this factor is hardly insignificant. It is at the basis of the long-running controversy about the probability of an accident where the scram or shutdown system fails (anticipated transient without scram).)

10. This contention is based on "Nuclear Fuel Cycle", Un. of Concerned Scientists, 1975. HL&P received only one-third of a requested rate increase from the FUC of Texas on Nov. 20, 1978. A Michigan Power company after costly investment into nuclear generation suffered serious fiscal instability with losses to the extent that the stockholders of this company for a prolonged period received no dividends. The Nuclear Fuel Service Co, West Valley, New York, is financially unable to absorb decommissioning costs to the nuclear facility. As a Result, the Taxpayers of N.Y. will now have to carry the unjust burden of this exorbitant expense for decommissioning. It is presumptuous and highly speculative that HL&P will maintain a financial stability to endure the monumental costs of decommissioning. For this reason applicant should post bond held in escrow to insure the money will be available for proper decommissioning. Another reference: "How A Nuclear Power Plant Dies", Natural Resources Defense Council, 1978.

11. This contention concerns the adverse impact of ACNGS on rich food-producing farmland. The 31 million acres of U.S. Farmlands have disappeared in the Last decade, resulting in the diminishing supply of food for our nation with its rapid growing population has serious economic implications, as well as a growing threat to our nation's stability and security. This is such a serious problem that EPA Administrator Douglas Costle has recently formulated an "Agricultural Lands Protection Policy", to limit this adverse impact. ACNGS will destroy 5000 acres of rich food-producing farmland.

12. This contention concerns the generic problem of BWR pipe cracks. Some of the background documents are CEE-7875 "General Electric Reactor Pipe Cracks" and NRC "Technical Report: Investigation and Evaluation of Cracking in Austenitic Steel Piping of BWR Plants (NUREG-75/067) late 1975. On June 17, 1978, Duane Arnold Plant suffers "worst US Reactor accident yet" according

to David Comey, Citizens for a Better Environment. A large 10-inch diameter primary cooling system pipe was discovered cracked 270 degrees around its circumference at the Duane Arnold BWR. This safety problem was recognized in October, 1975; strong language at that time urging prompt repair was neglected. This is a serious problem with all similarly designed BWR's. NRC indicates that a "complete circumferential break of one of the recirculation loop pipes" would result in the worst "loss-of-coolant" accident possible at a boiling water reactor". "Whether such cracking will be detectable prior to a 360 degree circumferential break of a recirculation pipe at the safeend is a matter of concern", notes CHE. Construction permit should be denied until the newly reformed Pipe Crack Study Group comes out with its findings.

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