

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

Docket No. 50-466

APPLICANT'S RESPONSE TO ADDITIONAL
 CONTENTIONS OF THE TEXAS PUBLIC
 INTEREST RESEARCH GROUP FILED ON
 NOVEMBER 1, 1978

Applicant files this Response to the additional contentions submitted to the Board on November 1, 1978 by the Texas Public Interest Research Group (Petitioner).

Contention I

Petitioner's first additional contention relates to the "dredging and channelizing" required for barge transportation of reactor components to the ACNGS. As a matter of background, barge transport would be used, if at all, for the one-time shipment of the pressure vessel (the largest prefabricated component to be moved on the site). Overland transport remains a viable alternative and Applicant's plans in this regard are unchanged in the period since the initial

proceedings on this application.* / Since the contention is unsupported by relevant new data or information, as required by the Board's Corrected Notice of Intervention Procedures (Corrected Notice), it should be rejected.

Contention 2

This contention is ostensibly based on the Environmental Protection Agency's comments on the Draft Supplement to the Final Environmental Statement. By careful paraphrasing, Petitioner intimates that the EPA has predicted direct radiation doses in excess of the standards contained in 40 CFR 190 - Environmental Radiation Protection Standards For Nuclear Power Plants. This misconception is largely dispelled by the unedited text of the EPA's comment:

Direct Radiation

We recognize the difficulties associated with trying to predict, in advance of station operation or even construction, what the off-site direct radiation doses will be from nitrogen-16. Accurate dose estimates will probably not be available until results from the post-operational radiation monitoring program have been completed. It should be noted, however, that, based on the dose estimations reported in the draft supplement, the direct doses from other sources from the plant could exceed EPA's standard for the

* /To the extent Petitioner argues that barge transport would require dredging, it is in error, since the San Bernard River is a federally maintained navigable water way to a point well above any potential off-loading junction for the ACNGS site.

uranium fuel cycle (40 CFR 190). The applicant should be advised that, in event post-operational experience indicates actual off-site dose rates in excess of 25 mrem/yr will be produced at close-in locations where persons reside, corrective action such as additional shielding or operational limitations may be required in the future. The final statement should address direct radiation doses in the context of EPA's uranium fuel cycle standards. We believe that direct radiation doses to humans in the site environs can be controlled by proper plant design and layout. Thus, we urge the applicant to consider carefully the design options to minimize the effects of this dose exposure pathway.

Quite obviously, there is nothing in the EPA comment that goes beyond a general recognition of the difficulties in predicting direct doses, not just for ACNGS but for all BWR plants.

In any event, nothing in Petitioner's assertion casts any doubt on the ability of ACNGS, as designed, to meet the criteria of 40 CFR 190 by satisfying the requirements of 10 CFR 50, Appendix I. As the EPA noted in promulgating Part 190:

The NRC has recently issued a revised set of regulatory guides for light-water-cooled reactors which implement their announced intent to use the most realistic models available when adequate experimental data exist to permit a prudent and scientific determination. These models

are intended for use in implementing the recently-issued Appendix I to 10 CFR Part 50, which defines design and operating criteria for single reactor units. EPA has examined Appendix I and the accompanying regulatory guides and agrees that they provide the basis for realistic implementation of these standards for single reactor units.

. . . .

In the case of light water reactors, models and monitoring requirements for demonstrating conformance with Appendix I of 10 CFR 50 are generally adequate for demonstrating conformance with these standards. (emphasis added)

42 Fed. Reg. 2858-59 (January 13, 1977).

If the contention is that the contributing dose at the site boundary attributable to routine emissions will not meet the numerical requirements set forth in Appendix I, Petitioner fails to provide any basis for this allegation and makes no attempt to specify in what respect these requirements will be exceeded.

Contention 3

Petitioner contends that there must be an evacuation plan for the "heavily-populated Houston-area." This contention is amplified with unsubstantiated "projections" of population density and the number of visitors anticipated for the proposed adjacent state park.^{*/} Petitioner asserts no

^{*/}Petitioner seems to imply that the Applicant did not anticipate future population changes (Petitioner's only attempt at "new evidence" references unidentified reports on population changes and concomitant traffic problems.) or heavy usage of the state park. This is certainly not true. See Applicant's Response to Second Amendment for Leave to Intervene and Contentions Supplementing Petition for Leave to Intervene Filed by Texas Public Interest Research Group, Inc., filed September 28, 1978, at pp. 13-14, quoting Staff testimony at the prior hearings' and FES § 5.6.4. (November, 1974).

new information (other than unspecified "new evidence" on traffic conditions in Houston) to support its assertion regarding the ability to take protective measures for persons in Houston. As to evacuation of the state park, Petitioner identifies no new information to warrant re-examination of this issue which was determined definitively in the partial initial decision on ACNGS (2 NRC 776, 779).

Contention 4

Petitioner alleges in this contention that the Applicant has not provided the necessary assurances to protect the proposed ACNGS against potential sabotage. The Commission's regulations set forth in Part 73, and in particular § 73.55, provide for design and security measures required to protect a proposed facility from sabotage. Petitioner apparently seeks to challenge these measures, with which Applicant must and will comply, as inadequate to protect the proposed ACNGS from the threat of sabotage. If so, the challenge is impermissible absent a showing of special circumstances. 10 CFR § 2.758. If Petitioner is alleging that Applicant will not meet NRC requirements, he has failed to allege with supporting bases in what specific respects, based upon design changes or new information, these requirements will not be met. Having failed to do so, the contention should be dismissed.

Contention 5

This contention apparently seeks to raise issues relating to the consideration in the FES of accidents other than design basis accidents (i.e. Class 9). If so, it has been determined that this issue is inappropriate for litigation in individual licensing proceedings. See e.g., Carolina Environmental Study Group v. United States, 510 F.2d 796, 798-800 (D.C. Cir. 1975). Therefore, this contention should not be allowed.

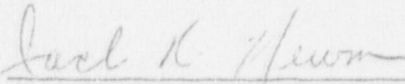
In addition, to the extent the contention alleges that the conclusions in the FES are improperly based on the results of the Reactor Safety Study (WASH-1400) it is, likewise, improper. In fact, conclusions reached in the FES do not depend on WASH-1400. This, of course, is consistent with the Interim General Statement of Policy issued by the Commission which concluded, among other things, that the contents of the study^{*/} are not an appropriate basis for licensing decisions. 39 F.R. 30.964 (1974). Since the contention is based on a false premise, it is improper and should be disallowed.

^{*/}The Interim General Statement of Policy was issued in connection with the release of the draft version of WASH-1400, but anticipated and, by its terms, it applicable to the final study.

Contention 6

This contention is wholly unsupported except for a vague and unspecific reference to "Mannings roughness factor," hardly a coherent challenge to the extensive analysis in the PSAR at § 6.2.1.3.1.2.1. Of greatest importance, however, Petitioner has made no showing of relevant design changes, or pertinent new evidence or new information to justify the admission of the "contention".

Respectfully submitted,



Jack R. Newman
Robert H. Culp
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

J. Gregory Copeland
Charles G. Thrash, Jr.
3000 One Shell Plaza
Houston, Texas 77002

Attorneys for Applicant
HOUSTON LIGHTING & POWER COMPANY

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OF COUNSEL:

LOWENSTEIN, NEWMAN, REIS,
AXELRAD & TOLL
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

BAKER & BOTTS
3000 One Shell Plaza
Houston, Texas 77002

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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Response to Additional Contentions of the Texas Public Research Group filed on November 1, 1978, were served on the following by deposit in the United States Mail, postage prepaid, or by hand delivery this 13th day of November 1978:

Sheldon J. Wolfe, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. E. Leonard Cheatum
Route 3, Box 350A
Watkinsville, Georgia 30677

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

Chase R. Stephens
Docketing and Service Section
Office of the Secretary of the
Commission
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Richard Lowerre, Esq.
Assistant Attorney General
for the State of Texas
P.O. Box 12548
Capitol Station
Austin, Texas 78711

Hon. Jerry Sliva, Mayor
City of Wallis, Texas 77485

Gregory J. Kainer
11118 Wickwood
Houston, Texas 77024

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

