

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

In the case of HOUSTON LIGHTING AND POWER COMPANY  
(A) Creek River Generating Station (Unit 1)

Docket No. 50-466

NRC PUBLIC DOCUMENT ROOM

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 resumption 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 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, 1973, under the aegis of Charles Sevino, "Population Land-Use Draft for Greater Houston, 203 Area, Houston-Galveston Area Council (HGAC), Doris Ebner, April 1, 1976, "Population Land-Use for Greater Houston, 203 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  $\frac{1}{2}$  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.

7812050291

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 PUC 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 CHE-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, Diane Arnold Plant suffers "worst US Reactor accident yet" according



to David C. Gray, 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 reflected. This is a serious problem with all similarly designed BWR's. NRC indicate 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 CBE. Construction permit should be denied until the newly reformed Pipe Crack Study Group comes out with its findings.

*Robert S. Franson*

*Madeline Bass Franson*

4822 Waynesboro Drive  
Houston, Texas 77035