

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



APPLICANT'S RESPONSE TO NEW
CONTENTIONS SUBMITTED BY F. H. POTTHOFF, III

360 096

7907130546

G

Petitioner has failed to specify the basis for Contention 1 as required by the Board. This contention alleges that tornado missiles could disable equipment important to safety, but Petitioner does not allege the factual basis for his conclusion, nor does he challenge in any respect the Staff's analysis of tornado missiles as set forth in Table 3-1 of the Safety Evaluation Report. The pleading thus contains, among other things, the same fundamental infirmity which led the Board to reject the contention on its initial submission (Order, p. 68). Instead of addressing the Board's concerns, Petitioner states that ACNGS must be built underground (Paragraph I) and must have a primary or back-up ECCS system which does not use electricity (Paragraph II). Neither of these statements provide a basis for the admission of Conte and therefore it should be dismissed. Mr. Potthoff's arguments in Paragraph II about the relationship between plane crashes, ECCS, tornado missiles and back-up power supply are simply too garbled to even address.

Paragraphs III and IV raise issues relating to wind and solar power as alternatives to ACNGS and thus are clearly not within the scope of the Board's April 11 Order affording Petitioner the opportunity to file contentions

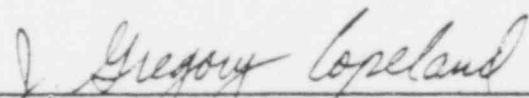
otherwise withheld because of the limitations in the Board's Order of September 11, 1978. A similar contention (although on somewhat different grounds) was advanced by Petitioner and rejected by the Board for reasons unrelated to the restrictions in the September 11 Order. Board's February 9 Order, pp. 69-70. The revised contentions are still within the realm of "pure speculation" - the Board's characterization of the initial petition. Moreover, the paragraphs III and IV, while paying lip service to the environmental advantages of these technologies, provide no meaningful detail. It is reasonably clear that the substantial thrust of these contentions relates to the alleged economic advantages of these technologies and, as such, are inadmissible in this proceeding. Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-458, 7 NRC 155, 162-163 (1978).

Respectfully submitted,

OF COUNSEL:

BAKER & BOTTS
3000 One Shell Plaza
Houston, Texas 77002

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



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

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

ATTORNEYS FOR APPLICANT
HOUSTON LIGHTING & POWER COMPANY

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Re the Matter of

HOUSTON LIGHTING & POWER COMPANY

(Allens Creek Nuclear Generating
Station, Unit 1)

§
§
§
§
§
§

Docket No. 50-466

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Response to New Contentions Submitted by F. H. Potthoff, III in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 8th day of June, 1979.

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. Gustave A. Linenberger
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

R. Gordon Gooch, Esq.
Baker & Botts
1701 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Richard Lowerre, Esq.
Assistant Attorney General
for the State of Texas
P. O. Box 12548
Capitol Station
Austin, Texas 73711

Hon. Charles J. Dusek
Mayor, City of Wallis
P. O. Box 312
Wallis, Texas 77485

Hon. Leroy H. Grebe
County Judge, Austin County
P. O. Box 99
Bellville, Texas 77418

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

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

360 099

Steve Sohinki, Esq.
Staff Counsel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

John F. Doherty
4438 1/2 Leeland
Houston, Texas 77023

Madeline Bass Framson
4822 Waynesboro Drive
Houston, Texas 77035

Robert S. Framson
4822 Waynesboro Drive
Houston, Texas 77035

Carro Hinderstein
8739 Link Terrace
Houston, Texas 77025

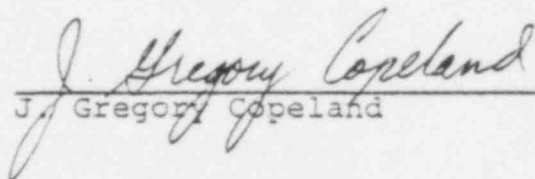
D. Marrack
420 Mulberry Lane
Bellaire, Texas 77401

Brenda McCorkle
6140 Darnell
Houston, Texas 77074

F. H. Potthoff, III
1814 Pine Village
Houston, Texas 77080

Wayne E. Rentfro
P. O. Box 1335
Rosenberg, Texas 77471

James M. Scott, Jr.
8302 Albacore
Houston, Texas 77074


J. Gregory Copeland

360 100