

NRC PUBLIC DOCUMENT ROOM

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)

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Docket No. 50466

JOHN F. DOHERTY'S MOTION TO DISMISS OR POSTPONE APPLICANT'S
CONSTRUCTION LICENSE APPLICATION.

John F. Doherty, Intervenor in the above Construction License hearing since March 15, 1979, Moves the Board dismiss the application of Houston Lighting & Power Company, a subsidiary of Houston Industries, Inc. Or, in the alternative, post-pone proceedings on the construction license application for the Allens Creek Nuclear Generating Station until the Applicant's other nuclear power facility has demonstrated full commercial operation for one year. Intervenor intends the Board to have the option of ~~denying~~ the dismissal motion but granting the postponement relief requested. Since postponement is less severe than dismissal in this situation, it is an includable action and does not require a separate motion. The Applicant is put on notice by the denial motion and its defense to that would be the same as to postponement for a long period as proposed in the alternative.

This motion is based on several areas which Intervenor complains make continued tolerance of pursuit of this construction license by the Applicant unnecessary for the Board, and harmful to the public interest.

First, Applicant's record in construction of the South Texas Nuclear Project (STN 50-498, 499) is too poor to indicate that construction of the proposed ACRS will not be, "...indefinite to the common defense and security or to the health and safety of the public" (10 CFR 2.104 (1) (d) (iv)). This first allegation is supported by:

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- 1- NRC inspections indicate that the Applicant deviated in at least three instances from the PSAR submitted for the South Texas Project (STP)., all of which related to quality assurance, and this raises questions of the Applicant's ability to meet commitments in the ACNGB PSAR.
- 2- Large voids are in the containment building of the STP caused by poor construction. (See: First Interim Report and Supplement to report: STP/EGS REC No 4 LIFT 8 Containment Voids; and Second Interim Report (STN 50-HL-AE-369, NRC Docket Nos. STN-50-498,499, dated 7/16/79 and 8/15/79).
- 3- In a 1977 NRC inspection report at STP (Rpt. #50-498-08), Applicant was informed six of the ten quality control inspectors stated that they had experienced harrassment (including an individual report of a death threat), and despite this notice four other instances of quality control inspector-reported harrassments were noted in later NRC inspections; and an August 22, 1978 report states that QC inspectors at STP agreed "in majority" they were not receiving adequate technical assistance from Project Quality Assurance licensee personnel.
- 4- Applicant is project manager for STP and ultimately responsible to the NRC for the 24 items of non-compliance reported in inspections there so far, and for the numerous construction problems such as the auxillary building being either one foot too narrow or the same distance in one direction out of alignment between a reactor containment building and turbine building ^{AN2} bolts installed of insufficient strength,
- 5- On September 15, 1978, the NRC reported an investigation of an incident in which a quality control inspector alleged that the Applicant's contractor at STP fired him for strict inspection behavior, while the contractor's employee alleged conversation with the QC inspector in which the inspector allegedly solicited a bribe and supposedly stated that Applicant would "stay out" of any quality control let-downs.

Second, Intervenor alleges Applicant's engineering staff is not competent to handle the duties required of it in constructing the proposed ACNGB. In this, evidence is shown by:

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- 1- In 1973, an internal study by Applicant stated it had underestimated the amount of steel required for its South Texas Project (STP) by 122%, concrete by 83%, rebar by 125%, piping by 88%, conduit by 40%, wire and cables by 100%, terminations by 71%, cable trays by 116% at the time of application to construct STP in 1973.
- 2- Four engineers from Applicant, including the Supervising Engineer who Applicant has indicated will be their expert witness on safety contentions filed by this Intervenor, and has replied to interrogatories from this Intervenor, enrolled in and attend the first class on "Hazards of Nuclear Power Plants" being taught by this Intervenor. The engineers stated they wanted to find out about the hazards on October 1, 1979, at the first class (See Exhibit A). This intervenor can only take them at their word.
- 3- Testimony by G. W. Oprea of Applicant at the Texas Public Utilities Commission in Austin on September 27th and 28th has revealed Applicant believed that the Engineering and Design work at the South Texas Nuclear Project (STNP) was 60% completed when it made its cost of construction estimates to the NRC and others in 1973, but that in fact the work was 10% complete. The Engineering contractor, Brown and Root, stated at the same hearings the work was more like 20% complete. This Intervenor urges that an error this large is grounds for dismissing the application for lack of competence in this major area of management.

Third, Intervenor urges the Board to dismiss the application on grounds it is being obtained for Applicant's convenience. Applicant does not intend to begin construction when it obtains the construction license. This is shown by the fact it has decided to construct a 750 megawatt electric lignite fueled plant in Limestone County and is negotiating the purchase of a constructed 500 megawatt electric coal fuel plant from Texas Utilities.

Applicant wants the license now to avoid having to deal with Intervenor as it must today. This Intervenor would have the Board recall that this utility previously postponed its application for this license due to insufficient capital. In 1978, on reactivation, it encountered for the first time public resistance to the

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venture. With declining increase in consumption, Applicant will be constructing merely to have another plant in the rate base and as additional assurance against interconnecting with utilities which interconnect out of state. It appears Applicant has underestimated seriously the cost, dangers, and time for construction of such facilities as they propose here.

For the reasons set forth above, this Intervenor prays the Board dismiss the construction license application for the Allens Creek Nuclear Project. If the Board decides this unjustifiable, Intervenor prays the construction license proceedings be halted until such time as Applicant demonstrates through actual operation for one year that it can operate a nuclear power plant without endangering the public health and safety.

I certify that copies of the above "JOHN F. DOHERTY'S MOTION TO DISMISS OR POSTPONE APPLICANT'S CONSTRUCTION LICENSE APPLICATION" were served on the parties below by first class mail on October 4, 1979.

Respectfully,

John F. Doherty
John F. Doherty

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