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IN THE MATTER OF
HOUSTON LIGHT & POWER COMPANY
ALLIENS CREEK NUCLEAR GENERATING STATION)

Docket no. 50-466



BRIEF APPELLING BOARD'S NOV 13 ORDER

Under CFR 2.762, I am filing this brief to oppose the Board's finding of fact on my contention 6. The Board ruled a marine biomass farm is not a reasonable and feasible alternative to Allens Creek. This brief will offer several arguments as to why this ruling is an error of fact.

I. SUFFICIENCY OF ANSWER

In reply to the Applicant's motion for summary disposition, I submitted nine pages of facts gleaned from several sources:

The Final Supplement to the FES of Allens Creek; Comparative Assessment of Marine Biomass by the Electrical Power Research Institute; a paper from the Re-entry and Environmental Systems Division of GE called "Marine Biomass Energy Project;" and Project Independence by the National Science Foundation. (To digress, I should explain I inadvertently left this reference off my list of references on p.1. Therefore on p. 4, first full paragraph, "ref. 3" refers to Project Independence, p. V-20, table 5.) Using these studies, I found Allens Creek could be replaced by a 306 sq. mile biomass farm, growing the seaweed Gracilaria. This farm could use a larger version of the pilot marine farms tested off the coast of California, which successfully used a nutrient upwelling system that caused tens of thousands of plants to grow on it, and which also withstood 100 mph storms. The farm would cost \$1.6 billion to build, and would have less

less environmental effect than AONGS.

Showing these facts, I do not see how the Board could rule I did not present facts of controversy. Any reasonable person would assume there was some merit to a marine biomass farm as an alternative to AONGS. I did not prove every last detail, but I did show there is a reasonable basis for my contention. I should have had the chance to prove my contention in a trial.

EXPERTISE OF APPLICANT'S WITNESS

Apparently the Board ruled against me because it chose to believe Dr. Woodson on two of his seven contentions. This is unfortunate since Dr. Woodson's past experience seems to be with landbased electrical generating systems. Nor does he have a degree in marine engineering or environmental science. He does not appear to be the expert the Board considers him and they should not have given his opinions such undue weight.

NEW EVIDENCE

The Board ruled against me because it said I could not counter two points the Applicant's witness raised. I have found new evidence countering these points.

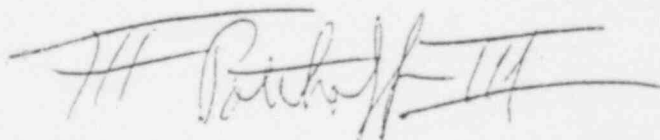
Dr. Woodson said that the Test Farm deployed off California could not be a prototype for a 306 sq. mile marine biofarm. If the test farm does not prove the feasibility of such a large marine farm, then the experience of the Japanese does. They have long eaten seaweed as a staple, and in the thirties started to cultivate it on floating bamboo nets. In 1968, the Japanese grew 76,400 sq. miles (191,00 sq. kilometers) of seaweed on bamboo nets. (Seaweed Resources of the Ocean, Goran Michanek,

UNEP/O, p. 89.) The usable area in the Gulf of Mexico for a marine farm is 6114 sq. miles.

Dr. Woodson also said technology for a marine biomass farm will take 40 years to develop. This is contradicted by a paper "Energy from Marine Biomass Program" from the EPRI/GRI Workshop on Biomass Resources and Conversion. On p. 12-2, fig. 12-1, a time table is presented. "Concept Validation" is shown lasting 1973 to 1982; "system development" from 1982 to 1985; "commercial prototype development" from 1985 to 1988. According to this, a marine biomass system can be proved in 15 years. But what is interesting that this schedule shows marine biomass technology will be proven by 1988, the time AONGS is scheduled to come on line.

CONCLUSION

Because of the above arguments, the Appeals Board should reverse the Board's Nov. 13 Order. It should direct I be re-admitted as an intervenor, and order the Board to hold timely hearings on my contention 6 before it issues a construction license on AONGS.



F. H. Potthoff III

1814 Pine Village

Houston Texas 77080

(713) 465 4465

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)

Docket No. 50-466

CERTIFICATE OF SERVICE

I hereby certify that the attached document was served by
U.S. mail on all parties listed below.

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

J. Gregory Copeland, Esq.
Baker & Botts
One Shell Plaza
Houston, Texas 77002

Jack Newman, Esq.
Lowenstein, Reis, Newman & Axelrad
1025 Connecticut Avenue, N.W.
Washington, DC 20037

Carro Hinderstein
8739 Link Terrace
Houston, Texas 77025

Susan Plettman, Esq.
David Preister, Esq.
Texas Attorney General's Office
P.O. Box 12548
Capitol Station
Austin, Texas 78711

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

Hon. John R. Mikeska
Austin County Judge
P.O. Box 310
Bellville, Texas 77418

Mr. John F. Doherty
4327 Alconbury Street
Houston, Texas 77021

Mr. Richard Black
Staff Counsel
U. S. Nuclear Regulatory
Commission
Washington, D. C. 20555

D. Marrack
420 Mulberry Lane
Bellaire, Texas 77401

Texas Public Interest
Research Group, Inc.
c/o James Scott, Jr., Esq.
13935 Ivymount
Sugarland, Texas 77478

Brenda A. McCorkle
6140 Darnell
Houston, Texas 77074

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

Rosemary N. Lemmer
11423 Oak Spring
Houston, Texas 77043

Leotis Johnston
1407 Scenic Ridge
Houston, Texas 77043

Atomic Safety and Licensing *
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing *
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Doctring and Service Section *
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. William J. Schuessler
5810 Darnell
Houston, Texas 77074

The Honorable Ron Waters
State Representative, District 79
3620 Washington Avenue, No. 362
Houston, TX 77007

Margaret Bishop
J. Morgan Bishop
11418 Oak Spring
Houston, Texas 77043

Stephen A. Doggett, Esq.
Pollan, Nicholson & Doggett
P.O. Box 592
Rosenberg, Texas 77471

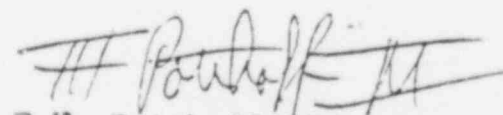
Bryan L. Baker
1923 Hawthorne
Houston, Texas 77098

Robin Griffith
1034 Sally Ann
Rosenberg, Texas 77471

Elinore P. Cummings
926 Horace Mann
Rosenberg, Texas 77471

Carolina Conn
1414 Scenic Ridge
Houston, Texas 77043

U.S. Nuclear Regulatory Commission
Region IV
Office of Inspection and Enforcement
611 Ryan Plaza Drive
Suite 1000
Arlington, Texas 76011


F.H. Potchoff III

An American Citizen