

BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN RE: APPLICATION OF §
HOUSTON LIGHTING & POWER § DOCKET NO. 50-466
CO. (ALLENS CREEK GENERATING §
STATION, UNIT I) §

CONTENTIONS OF PETITIONER,
HOUSTON CHAPTER, NATIONAL LAWYERS GUILD, INC.

1. The Allens Creek Generating Station, Unit I, proposed site is approximately twenty (20) miles west of Harris County, where the majority of Petitioner's members reside. According to Houston Lighting & Power Company's 1978 estimate, the boiling water reactor will release 32,000 curies of radiation per year into the air, the majority of which will be carried by the prevailing westerly winds over, into and through Harris County and the metropolitan Houston area, adversely affecting the health and well-being of Petitioner's members, and subjecting them to a higher risk of cancer.

2. We contend the proposed plant will violate the rights of Petitioners' group members, who suffer from asthma, eczema and/or urticaria. These persons have been shown to be more likely to suffer radiation induced cancer than persons without these diseases, and thus these persons are deprived of a safe environment to a greater extent than other persons in the plant's locale. The cancer prone persons are forced to bear a greater risk to their health and safety without deriving any more benefit. All of the members of petitioning organization will be required to pay for the costs of treating such illnesses in tax supported hospitals. It has been shown in the Final Supplement to Final Environmental Impact statement that the plant when running normally will emit some radioactivity, and petitioners point out that this will be a source of cancer inducement for the cancer prone group. Petitioner has not found any other atomic power plant that gives off as much radioactivity in the air as Allens Creek.

3. Petitioner contends that the radiation emitted from the plant will so seriously endanger the health and well-being of the persons in Austin County, Texas and the surrounding counties, including Washington County, that it will be precluded from holding future regional meetings at Peaceable Kingdom Farm in Washington County, or in any parks in proximity to the plant, and will be subjected to the expense of finding an alternative location at additional cost, expense and financial hardship to its members.

4. Petitioner has members who are canoeists and licensed Texas fishermen and fisherwomen whose enjoyment of canoeing and angling in the plant's cooling lake and the entire Brazos River and its estuary and Gulf environs will be severely diminished by the adverse effects on game fish and other animal and plant life of the reduction of the plant's original proposed cooling lake from 8,250 acres to 5,120 acres.

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5. We contend that the cost of electricity generated by this nuclear plant to consumers of Houston Lighting & Power Company, including Petitioner's members, will be exorbitant and will afford excessive profits to this state-licensed electricity monopoly, and that these profits are exacted from consumers by Houston Lighting & Power's deliberate and willful misrepresentations as to the need for, the cost of, and the safety of nuclear power generation plants such as this one, in violation of the Federal Consumer Protection Act and the Texas Deceptive Trade Practices-Consumer Protection Act.

6. We contend that workers in the plant after the first fuel has been delivered will be exposed to the risk of radiation induced cancer because there is no screening of workers for diseases such as those listed in Contention 2, and pneumonia. These cancer prone persons have only recently been described in medical journals, and there is no screening planned to eliminate them for their own safety from permanent staff or "transient worker" categories, in the Allens Creek Plant. Members of petitioner's group or members of the families of the group may be such workers. In addition, Petitioners may be required to pay the costs of medical treatment of such workers in tax supported hospitals in Houston, Harris County, or the immediate suburbs.

7. We contend that although the general construction contractor for the Allens Creek Plant, Ebasco Services, Inc., is currently a party to collective bargaining agreements with labor unions who are members of the Houston Gulf Coast Building and Construction Trades Council, including the International Brotherhood of Electrical Workers, the Boiler Makers Union, the International Union of Operating Engineers, Pipe Fitters Local Union No. 211, the leadership of these labor organizations has failed to represent the interest of the rank and file members in the occupational safety and health of the workers employed in the construction of this plant.

The level of radioactive emissions and associated occupational safety and health risks will seriously impair the health and well-being of these rank and file workers, a contention which apparently will only be raised on behalf of these workers by Petitioner.

8. We contend that Ebasco Services, Inc., will in fact employ subcontractors who are not subject to collective bargaining agreements with their employees, and that the employment of these non-union workers will adversely affect the wages and working conditions of all workers employed at this plant and in the surrounding area.

9. We contend that opponents of the Allens Creek Plant, including Petitioner, its members and its members' clients have already been and will continue to be subjected to illegal surveillance, harassment, arrest, intimidation, and defamation by agents of the security division of Houston Lighting & Power Company and by agents of the Federal Bureau of Investigation, the Texas Department of Public Safety, the Harris County Sheriff's Office and the Houston Police Department, purporting to enforce the security restrictions of the Atomic Energy Act of 1970, 42 U.S.C. §2165 and other applicable laws relating to the security of nuclear power installations. This surveillance is part of a coordinated national effort to suppress popular resistance to nuclear power, as recommended in three studies prepared for the Nuclear Regulatory Commission: the Rosenbaum Report (1974), the Barton Report (1975) and the Mitre Report (1977). This intelligence network, as recommended by the Rosenbaum Report "May involve electronic and other means of surveillance, but the most important aspect is infiltration

of the groups themselves". Incidents of this illegal surveillance and intimidation include the following:

(a) The admission by the Intelligence Division of the Texas Department of Public Safety that it created a file on Robert Pomeroy, Spokesmen for Citizens for Association for Sound Energy, and Dallas Anti-Nuclear Group, although neither Pomeroy nor the Group engaged in any illegal acts;

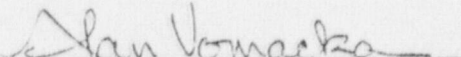
(b) Surveillance, harassment, and arbitrary arrests of National Lawyers Guild members and clients in the Clamshell Alliance, a New Hampshire group opposed to the Seabrook Nuclear Plant, by New Hampshire State Police and the members of the National Caucus of Labor Committees, a clandestine Right-Wing paramilitary organization, defamatory information about Clamshell members and supporters was disseminated to over 200 member police agencies of the Law Enforcement Intelligence Unit (LEIU), including the Texas Department of Public Safety.

(c) Surveillance, harassment and infiltration of the General Power Project, an anti-nuclear project staffed by members of the National Lawyers Guild and other organizations, by the General Bureau of Investigation, the Federal Bureau of Investigation and Georgia Power Company security officers.

(d) Surveillance, harassment, and intimidation of members of the National Lawyers Guild investigating the death of Karen Silkwood by members of Kerr-McGee's Security Division, the Oklahoma City Police Department, the Oklahoma State Police, the F.B.I. and the Law Enforcement Intelligence Unit.

Members of the Petitioner organization belong to and/or represent the Armadillo Coalition of Texas and the Mockingbird Alliance, local organizations active in the challenge to licensing this plant, and by virtue of this status, Petitioner and its members will continue to be subjected to illegal surveillance, harassment, intimidation and defamation by the aforementioned police intelligence units if this application is approved and the Armadillo Coalition and Mockingbird Alliance are forced to carry out their announced plans to organize mass demonstrations to halt the construction. Furthermore, the contributions of time and financial resources by the Petitioner organization and its members which will be required to represent those subjected to illegal surveillance, harassment, arrest and prosecution will place a severe financial and organizational hardship on the Petitioner organization and its members.

Respectfully submitted,


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