

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF )  
 )  
HOUSTON LIGHTING AND POWER COMPANY ) Docket Nos. 50-466 G  
 ) 50-467  
(Allens Creek Nuclear Generating Station, )  
Units 1 and 2) )

APPLICATION FOR INTERVENOR STATUS  
SUBMITTED BY DAVID MARKE

It being understood that the Nuclear Regulatory Commission (Commission) has given notice in the matter of Houston Lighting and Power Company, Allens Creek Nuclear Generating Station, Units 1 and 2 (Docket Nos. 50-466 & 50-467), the above named petitioner hereby requests that he be granted standing in the aforementioned matter. Specifically detailed contentions will be elaborated at the appropriate time, the petitioner is seeking at this time to establish background and particularity with regard to his interest in the aforementioned proceeding.

I REQUEST FOR INTERVENTION STATUS AS A MATTER OF RIGHT

In accordance with the rules and regulation of the Commission, title 10 chapter 1 CFR-Energy, Rules of Practice, the petitioner requests as a matter of right that he be granted standing inasmuch as he does in fact represent a citizen group, known as Austin Citizens for Economical Energy (ACEE), an independent body of citizens both of Austin and the surrounding geographic and demographic areas. The petitioner submits that standing

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should be granted owing to the generally accepted fact that in such matters the public is deemed to have standing, and as such quasi-public groups such as ACEE are deemed further to have standing by virtue of their nature. Citations in this regard are numerous and will not be quoted so as not to delay such proceedings. The petitioner is representative of the interests of this group as will be shown in further portions of this petition because of his expertise with regard to matters of this nature. While it is recognized that Austin is somewhat removed from the site of the Allens Creek Plant, it is particularly stressed at this time that Austin and its citizenry lie within and about major traffic routes for both the transportation by truck of fissile fuels and waste products, as well as within the area of major transportation by rail of like materials. Further the petitioner individually represents that he owns business concerns within no more than 500 yards of IH 35, a major traffic route for such media and that his residence at 900 Cardiff, Austin, Texas 78745, is within no more than 150 yards of the major rail line connecting Austin, San Antonio, Houston, and other major points along which such materials are transported, and that the danger to his person and property due to a transport accident will be greatly aggravated by the operation of said Allens Creek Plant. The petitioner further is prepared to show a real danger to his property and person in the event of a major accident at the Allens Creek site. While it has been long argued and generally upheld by the Commission that persons outside a 25 mile radius are generally considered to be unaffected by the operation of such reactors, petitioner is prepared to show by means of widely accepted studies,



published government documents, and other specific and authoritative materials that precedence has been set establishing that persons and property within a 200 mile radius of such an installation would be subject to not only immediate damage by such an accident, but prolonged and continued environmental distress by not only such an accident but by the instant operation of such a facility.

The petitioner is prepared to demonstrate that his health and safety are affected by the operation of the aforementioned plant due to the prevailing meteorological conditions, the impact of such operations on the food chain from which the petitioner must derive his sustenance as well as severe interaction with the water supply upon which the petitioner is dependent not only after such water supply has been directly affected by said operations, but by the imposition of possible water useage restrictions which may be necessitated in order to maintain proper operation of said reactor site. There is at this time massive documentation available in draft form from the Texas Water Quality Board which the petitioner is studying, and upon which he intends to engage the aid of a hydrologist in order to determine the particular impact upon the local region, and his personal safety and health. While seeking to reframe from ambiguity petitioner submits that there is relatively new evidence in this matter (particularly less than 60 days old) which upon preliminary review would seem to indicate grounds for intervention as an affected party.

The petitioner further claims as a matter of right that he, as well as

ACEE which he represents, will be directly affected by the local economic impact created by both the construction and operation of said reactor. The petitioner is well aware that the Commission has generally not accepted arguments of economics as having standing, however in this case it is noted that the instant matter is due to a change requested by Houston Lighting & Power in the construction permit for economic reasons. Therefore it is felt that precedence has been set to introduce economic arguments on behalf of the populace represented by the petitioning intervenor.

## II APPLICATION FOR INTERVENOR STATUS BY D. MARKE AS A DESCRETION

The Petitioner requests that he be granted standing as a discretionary measure due to his expertise in the area, and that by virtue of such expertise he will have substantial and reasonable contributions to make to the proceedings which are not represented by any others requesting standing to the best of his knowledge. The petitioner D. Marke is by past profession and education a nuclear chemist having specialized particularly in the area of nuclear waste management and control. Petitioner Marke is regularly sought out as an expert witness by various agencies of the state of Texas, the city of Austin, and the Texas Legislature itself. Mr. Marke has been a participant in hearings and actions of this nature previously and pleads the Commission as a matter of discretion that he be given standing in this matter. While not currently engaged in the field of nuclear chemistry for which he was educated in the University of Nevada and University of

California systems over a decade ago, having contributed at that time and since that time to the advancement of nuclear chemistry by virtue of both individual and group studies, the petitioner further asserts that he should be granted standing as a matter of descretion due to the fact that his current avocation sees him involved in the field of energy research and development, and that in that regard he has expertise and proper credentials such that he may add to the content of these proceedings as well. Petitioner Marke is currently employed as Chief of Research and Development of Solar Dynamics, Ltd. of Austin, a Texas Limited Partnership of which he is the general partner, and is currently and daily involved in solar/thermal electrical generation research. The petitioner asserts that this provides exceptional insite into not only the health and safety aspects of nuclear power generators, but considerable expertise in the larger field of power generation as a whole.

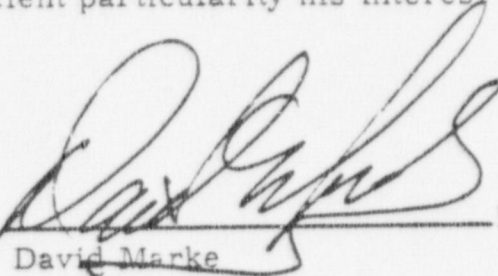
The petitioner as well asserts that while he is in a position such as to offer credible, expert and relevant testimony in these proceedings for which he feels there is justification, and requests the descretion of the Commission, he also feels that nothing in his proposed contentions will serve to delay the proceedings in any fashion. To the contrary the petitioner feels that such testimony as he may have to offer will in fact expedite the proceedings and clearly assist the Commission in its rulings.



### III CONCLUSION

The petitioner therefore pleads the Commission that it view his request for intervention both as a matter of right and as a matter of descretion with favor, and proposes that upon tentitive notification of acceptance of such standing that he will prepare in detail his contentions as regards the particular items referrenced in this petition. While it is given that the initial petition is only an outline of proposed contentions, petitioner feels that he has set forth with sufficient particularity his interest in the aforementioned proceedings.

Signed



David Marke

Date

10/10/78

Signed and dated at Austin, Texas, October 10, 1978

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "Application For Intervenor Status Submitted by D. Marke", in the above captioned proceedings were served on the following by deposit in the United States mail, postage prepaid, or by hand delivery on this 10th day of October, 1978 :

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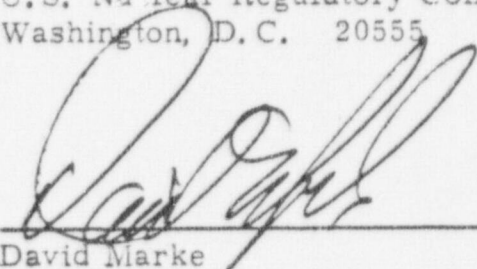
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David Marke

Date: October 10, 1978