



July 20, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE CLEVELAND ELECTRIC ILLUMINATING)	Docket Nos. 50-440
COMPANY, <u>et al.</u>)	50-441
)	
(Perry Nuclear Power Plant)	(Operating License)
Units 1 and 2))	

APPLICANTS' ANSWER TO OHIO CITIZENS FOR
RESPONSIBLE ENERGY'S MOTION FOR
LEAVE TO FILE CONTENTION 14

On July 6, 1981, ^{1/} the Ohio Citizens for Responsible Energy ("OCRE") moved for leave to file a Contention 14. Applicants herein submit their response to that proposed contention.

Proposed contention 14 asserts that Applicants have not provided adequately for the occurrence of electromagnetic pulses ("EMP"), a phenomenon generated by nuclear weapons explosions. As the basis for this contention, OCRE cites an article from Science News, Vol. 119 at 300 (May 9, 1981).

The Applicants oppose admission of this contention on the grounds that it raises an issue which is not to be considered in licensing proceedings. 10 CFR §50.13 explicitly states that an applicant for either a construction permit or an operating

DSO3
5
111

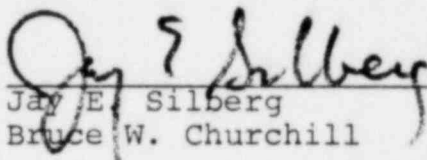
1/Although OCRE's motion for leave to file its contention is dated July 6, 1981, the certificate of service accompanying the motion was dated July 8, 1981, and the envelope the Applicants received was postmarked July 9, 1981.

license is not required to provide for design features or take other measures for the specific purpose of protection against enemy attack. See also Long Island Lighting Company (Shoreham Nuclear Power Station), ALAB-150. 6 AEC 831, 851 (1973). This regulation has been upheld in federal court. Siegel v. Atomic Energy Commission, 400 F.2d 778, 780-782 (D.C. Cir. 1968). Since, as OCRE admits, the occurrence of EMP is the direct result of nuclear warfare, the Applicants are not required to anticipate the effects of EMP on its operations. The proposed contention must therefore be denied.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


Jay E. Silberg
Bruce W. Churchill

Counsel for Applicants

1800 M Street, N. W.
Washington, D. C. 20036
(202) 822-1000

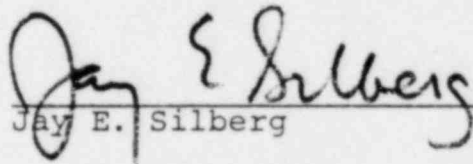
Dated: July 20, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE CLEVELAND ELECTRIC ILLUMINATING)	Docket Nos. 50-440
COMPANY, <u>et al.</u>)	50-441
)	
(Perry Nuclear Power Plant)	(Operating License)
Units 1 and 2))	

CERTIFICATE OF SERVICE

This is to certify that true copies of the foregoing
"Applicants' Answer to Ohio Citizens for Responsible Energy's
Motion for Leave to File Contention 14" were served, by deposit
in the U. S. Mail, first class, postage prepaid, this 20th day
of July, 1981, to all those on the attached Service List.



Jay E. Silberg

Dated: July 20, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
CLEVELAND ELECTRIC ILLUMINATING)	Docket Nos. 50-440
COMPANY, <u>et al.</u>)	50-441
)	
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

SERVICE LIST

Peter B. Bloch, Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Jerry R. Kline
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Frederick J. Shon
Atomic Safety and Licensing 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

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

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Charles A. Barth, Esquire
Office of the Executive Legal
Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Jeff Alexander
OCRE Representative
929 Wilmington Avenue, #H
Dayton, Ohio 45420

Daniel D. Wilt, Esquire
Wegman, Hessler & Vanderburg
Suite 102
7301 Chippewa Road
Brecksville, Ohio 44141

Terry Lodge, Esquire
915 Spitzer Building
Toledo, Ohio 43604

Mr. Tod J. Kenney
228 South College, Apt. A
Bowling Green, Ohio 43402

Donald T. Ezzone, Esquire
Assistant Prosecuting Attorney
Lake County Administration Center
105 Center Street
Painesville, Ohio 44077

Janice E. Moore, Esquire
Office of the Executive Legal
Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555