

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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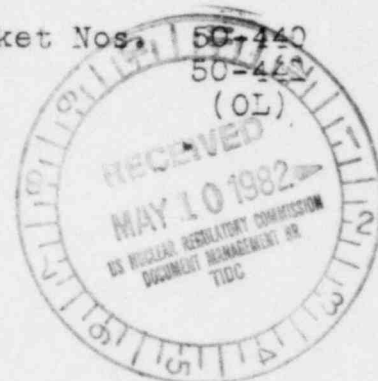
Before the Atomic Safety and Licensing Board

In the Matter of )

CLEVELAND ELECTRIC ILLUMINATING )  
COMPANY, et al. )

(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-440  
50-442  
(OL)



MOTION FOR LEAVE TO SUBMIT  
ADDITIONAL CONTENTIONS

Intervenor Sunflower Alliance et al. hereby moves the Licensing Board to grant it leave to amend its Petition for Leave to Intervene by submitting the two additional contentions detailed below. These contentions are based on the Draft Environmental Statement for Perry, NUREG-0884, which was just issued in late March; therein lies the good cause for this late filing.

Psychological Stress

On January 7, 1982 the U.S. Court of Appeals ruled that the NRC must conduct an environmental assessment, under the National Environmental Policy Act (NEPA), of the psychological effects on residents living near the Three Mile Island nuclear plant before Unit 1 of that facility may be allowed to restart (People Against Nuclear Energy (PANE) v NRC, exact citation unknown). Although the TMI-1 restart case involved the special circumstances of restarting the undamaged reactor on the same site of the worst commercial nuclear accident in history, this

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decision is presumably applicable to all nuclear plant sites, since the same potential for catastrophic accidents exists at all nuclear facilities. With the widespread publicity the TMI-2 accident received, most people are aware of this accident potential, and thus living in close proximity to a nuclear reactor may well cause stress. Indeed, the mere prospect of being forced to leave one's home at a moment's notice in an evacuation, the lack of adequate property insurance (under the Price-Anderson Act) to cover any damage caused by a nuclear accident, and concerns regarding the effects of low-level radiation effluents emitted during normal plant operation are all grounds for anxiety around any nuclear facility.

Considerations of the health effects of nuclear plant operation, under both NEPA and the Atomic Energy Act, have traditionally been limited to physiological effects. However, the medical consensus today is that mental and physical health are closely allied. The deleterious effects of psychological stress on physical health are well known. These facts alone would mandate the study of the psychological effects of nuclear plant operation on the public. This recent court decision gives legal sanction to these medical concerns by explicitly declaring psychological effects to be under the scope of NEPA.

This court decision addressed one of the fundamental questions of the modern era: the tensions between man's technological ability to create ever more complicated and dangerous devices, presumably for his own welfare, and the impact on his psychological health and his fundamental sense of harmony with the environment if those devices should fail

and pose a potentially unthinkable threat of widespread disaster. The actual threat itself is a separate matter. As such, this case sets precedent for all NRC licensing actions; indeed, it may have ramifications extending far beyond the nuclear power industry. This proceeding should thus be bound by the court's decision.

An examination of the DES for Perry indicates that psychological stress effects have not even been mentioned, let alone evaluated.

Both the Atomic Energy Act and NEPA require the NRC to consider the psychological effects of nuclear plant operation on the local community surrounding such facilities. This recent court decision affirms this. The NRC must comply with the law and prepare an evaluation of the psychological effects of plant operation on residents living near the Perry plant. This evaluation must be performed, and its results incorporated into the cost-benefit analysis required by NEPA, before Perry can be licensed to operate.

#### Local Economic Effects in the Cost-Benefit Analysis

Sunflower Alliance et al. contends that the cost-benefit analysis in the Perry DES is skewed to favor operation of Perry due to the improper inclusion of increased employment and tax revenues to the local community as benefits.

Table 6.1, entitled "Benefit-Cost Summary," pp. 6-2 and 6-3 of the DES lists as "indirect benefits" local taxes of \$22 million/year, annual employment of 399 persons, and annual payroll of \$10 million. The NRC Staff has assessed these "benefits" to be "large" (taxes) and "moderate" (employment and

payroll).

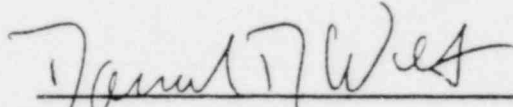
The Atomic Safety and Licensing Appeal Board has ruled that increased employment and tax revenues to the affected community may not be counted on the benefit side of the cost-benefit balance (Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-471, 7 NRC 477, 479 (1978)).

Sunflower Alliance et al. therefore contends that the NRC Staff has not complied with the law in preparing the DES. The cost-benefit analysis should be redone, this time in conformance with ALAB-471, before Perry can be licensed to operate.

Requirements for Late filing Under 10 CFR 2.714

Sunflower Alliance et al. has met the requirements for late-filed contentions under 10 CFR 2.714. Both of these contentions are based on the recently issued Perry DES; in addition, the psychological stress contention is based on a recent court ruling. These factors constitute abundant good cause for late filing. Sunflower Alliance has only this proceeding in which to protect its interests; the issues considered herein are specific to the Perry facility, and therefore cannot be properly resolved by any other means. Sunflower in addition knows of no other party that is raising these issues. The inclusion of these contentions will certainly aid in the development of a sound record. Although the issues will be somewhat broadened by the admission of these contentions, the amount of delay, if any, caused thereby is unknown. The above factors clearly favor the admission of these two contentions into this

proceeding, and Sunflower Alliance et al. prays that the Board is so moved.



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S E R V I C E

A copy of this Motion has been sent to all persons on the Service List by First Class, United States Mail, on this 5th day of May, 1982.



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