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United States of America
Nuclear REGULATORY Commission
Before the Atomic Safety and Licensing Board 10:22

In the Matter of)	Docket Nos 50-440-OL
)	50-441-OL
Cleveland Electric Illuminating Co))	
et al)	June 21, 1982
(Perry Nuclear Power Plant, Units))	
I and II))	

Reply Brief of Sunflower Alliance Inc. in
Support of Motion to Add Two Late Filed
Contentions.

Sunflower believes that on the basis of the decision People Against Nuclear Energy (PANE) vs. NRC, No. 81-1131 (1982), this licensing board must admit the psychological stress issue as a contention and not defer it as suggested by the Staff or reject it as suggested by the Applicant. The Court clearly held that the Commission is required by the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq. (1976) to consider potential harms to psychological health and community well-being. Thus, before the license is granted, if ever, to Applicant, these considerations must be reviewed. To defer this issue, would simply mean the NRC would be violating the express statutory requirements of NEPA. Judge Wright wrote:

We conclude that, in the context of NEPA, health encompasses psychological health. To implement a national policy based on 'the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man... Congress required each federal agency to utilize a 'systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts...'. Slip op of Judge Wright, pg 13.

Judge Wright also said:

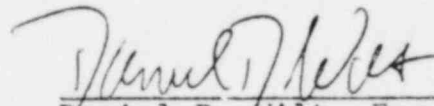
NEPA, moreover, does not authorize federal agencies to deal with intangible factors by ignoring them. It expressly instructs all federal agencies to identify and develop methods and procedures 'which will insure that presently unqualified environmental amenities and values may be given appropriate considerations in decision making along with economic and technical considerations'. Slip op of Judge Wright, Pg 14.

It is clear that under federal law the NRC must consider psychological stress. The issue cannot legally be deferred.

Attached to this Brief is a statement based on a survey performed by Sunflower relative to psychological stress. The results of the survey are self explanatory.

Sunflower urges that this contention be admitted pursuant to the requirements of NEPA.

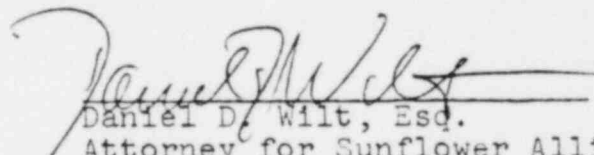
Respectfully submitted,



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Proof of Service

A copy of this Reply Brief has been sent to all persons on the service list on this 21st day of June, 1982.



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Attorney for Sunflower Alliance, Inc.

In response to Applicant's assertion that Intervenor Sunflower Alliance et al. has not demonstrated that persons living near the Perry Nuclear Power Plant have experienced any stress (Applicant's Answer at 6), Sunflower Alliance sent out the attached questionnaire to approximately 150 people, most of whom are members of Sunflower Alliance or North Shore Alert (and thus are having their interests represented by this Intervenor), living in Lake, Geauga, and Ashtabula Counties. Forty-six of these questionnaires were returned. The results have been tabulated on the sample questionnaire.^{1/}

Sunflower Alliance would note that 98% of those responding have experienced stress because of PNPP; 58% consider this stress severe or extremely severe and intense; 69% experience this stress often or very frequently. 91% have considered moving away from the area to avoid the risks inherent in nuclear power. Most people indicated that this stress has resulted in physical symptoms. In fact, only 28% reported no symptoms. Similarly, only 15% indicated that this stress has not caused or aggravated various personal or emotional problems. Note also that people ranked the risk of catastrophic accidents (the same cause of stress around Three Mile

^{1/} The responses to questions 1-7 and 10 are presented as the raw data (actual numbers of those indicating that particular response). The numbers do not all total 46 because not all persons answered all questions. The rankings in question 8 were obtained by averaging the ranks given to each category by all respondents, and then ranking the factors in order of increasing magnitude of the averaged values. Responses to question 9 were too lengthy and diverse to include therein; some responses are quoted later in the text of this brief.

Island) as the Number 1 contributor to their stress.

More powerful than these numbers are the personal testimonies written by the respondents in answer to question 9.

Some of these are quoted below.

"My wife and I were fishing near the Perry Nuclear Power Plant during the summer of 1981. As our boat neared the shore, the cooling towers appeared in the misting fog. We experienced an ominous feeling as though we were witnessing the end of the world.

Since that day, the same scene has been in my nightmares. Drastic changes have been made in my wife's religious beliefs. She has changed from a devoted Catholic to a Born Again Christian and is constantly reading the Book of Revelations.

I would sign this statement if it were not for my wife. She stated that she would deny the above allegations. Even the mention of the Perry Nuclear Power Plant, including this questionnaire, has caused hostility in my family.

Has the nuclear plant already affected our lives? Yes, definitely."

"I am personally opposed to the plant, and know of many local residents who are also opposed. All that we see that we will get out of it, is a plant that we feel we do not need, radiation contamination, lots of worry about its safety (it's already had a lot of problems with the quality of how it's being built), and higher electric bills. The worst part is that, as local citizens, we have no say whatsoever in what CEI and the others are forcing upon us. I thought we lived in a democracy."

"The fact that the plant is being built and the possibility that it may open is frightening to me. The fact that they use the 'by-product' of the plants in the manufacture of nuclear weapons makes me question who is pushing for all of this nuke stuff. Why can't we put more effort into solar power or use the money to develop cleaner ways of burning coal."

"The presence of the Perry Nuclear Power Plant has made me very reluctant to make some needed long range capital improvements to my farm; since a major plant accident could force me to move away with no financial compensation for my loss. This forces me to maintain a reserve in my accounts to pay for my family's possible relocation and loss of my livelihood."

"Concern for safety of children (& pets) and frustration in ability to have my concerns taken seriously.

Polarization of community, either for or against the plant, and hostile responses by some pro-nuclear people.

Thinking seriously of leaving Perry, where my children are 3rd generation natives, leaving church, school, friends, because of concern over safety and monitoring/reporting facilities, and the ever-present threat of emergency evacuation or other problems."

"It makes me think that I should not have my children & grandchildren come to Lake County to visit me because they might be exposed to radiation while they are here. This makes me very sad.

I grieve for the thousands of young families & children who do live in this area and will possibly have the major part of their lives damaged by a nuclear accident or low-level radiation. I wish they could escape."

"I have had trouble making commitments to my job due to the fact that we will move when (if) the plant starts up."

"If the plant should become active, I would have misgivings about conceiving or raising children even on our ancestral farm in Windsor, Ohio.

The cooling tower is visible for many miles. I often weep at the sight of it. It is shocking to realize the actuality of the project. At other times I choose to ignore its existence and force myself to believe it's not true."

"I shudder when I see the tower--visible from the Madison Library, Rt. 84, and even the Geneva beach where I go to relax & then see that ominous structure threatening my existence and the existence of my children--I get a sick feeling in the pit of my stomach. If I would have known they were building that suicide machine, I would never have moved here ten years ago. If I had a good job offer, I'd move out of the area. But then I'd lose my friends & my new roots. It just isn't fair. I never asked for it to be built. And where are the benefits? The electricity isn't even needed right now. I am terribly resentful of the whole situation."

"The fact that I have had to spend hundreds of hours opposing something that I should not have to do--due to the fact that one of our (supposedly) 4 freedoms is-- Freedom from Fear. With a nuclear power plant in our vicinity, there is no way I can have that freedom."

"I object strongly to leaving the curse of nuclear waste to future generations. I have always tried to pick up after myself. Until we have the proven ability to handle nuclear

waste, I find nuclear power plants to be intolerable-- it goes against the most basic fiber of my being. IT IS A MATTER OF PRINCIPLE -- OF RESPECT FOR OTHERS."

"Basic feeling of wanting to remove myself & family from these so-called experts & energy makers. If only there was some place to run & hide from this increase in radiation exposure to my children. The sense of not being able to protect them from this danger; I can say no to medical and dental X-rays that I feel are unnecessary but how do I stop the winds from blowing the radiation releases, that will occur, from this nuclear power plant. I feel that if the plant goes into a meltdown that I cannot depend on CEI or our evacuation plans to notify us & get us out in time. This lack of trust in a private industry is leading me to get the kids & go even when a site emergency happens. Each day that passes the time gets closer & closer to when these decisions and plans will have to be made. I have already made one decision and purchased kelp pills to give to all of us because they are supposed to remove the ionizing radiation from our systems. This sense of loss of freedom & hopelessness will never stop me from saying & fighting for no nukes."

"We keep hoping the nuclear power plant won't open. We plan on moving away if it does and we've lived in this area all of our lives. My husband has a secure job he'll have to give up and we'll miss our families who all live in Painesville, Mentor, and Perry. We're also concerned about our families staying."

I hate to think that our children ages 4 and 1 month will ever be hurt in some way by our generation. It scares us terribly."

Sunflower Alliance maintains that the results of this questionnaire indicate that persons are suffering from stress due to the Perry plant. The construction of this facility has already disrupted the lives of residents in the surrounding area. If PNPP begins operation this stress and resultant adverse effects on mental and physical health will multiply. It is thus evident that psychological stress around Perry must be thoroughly evaluated and incorporated into the NEPA cost/benefit analysis in order to determine the desirability of plant operation.

QUESTIONNAIRE

1. Have you ever experienced any stress, anxiety, tension, fear, or concern regarding the construction or operation of the Perry Nuclear Power Plant?

45 yes

1 no

Note: if you answered #1 no, do not answer any further questions, except for #9 and #10.

2. Characterize this stress as (check one):

3 extremely severe and intense

23 severe

15 moderate

4 mild

3. Approximately how often do you experience stress or anxiety about the Perry plant?

12 very frequently

19 often

13 occasionally

1 seldom

4. Have you ever considered moving away from the Perry vicinity specifically to avoid the risk of nuclear accidents or radiation injury?

40 yes

4 no

5. Has your stress concerning Perry caused or aggravated any of the physical symptoms indicated below? Check as many as appropriate.

11 headaches

1 ulcers

17 insomnia

3 skin rashes

4 skeletal and muscular problems

2 sexual dysfunction

5. continued

6 other DISORIENTATION; "GI"; FATIGUE; TENSION; HYPER-
13 no symptoms ACTIVITY; STOMACH ACHES

6. Has your stress about Perry caused or contributed to any of the problems listed below? Check as many as appropriate.

23 depression
3 drug or alcohol abuse
11 discord in family or marital life
3 difficulty in seeking or sustaining employment
8 difficulty in forming or sustaining friendships or personal relationships
10 other ANXIETY; FRUSTRATION; HOPELESSNESS; NIGHTMARES;
7 no problems NO SECURITY; CONCERN ABOUT FUTURE,

7. Has living near the Perry plant influenced decisions on family planning (due to genetic effects of radiation on future generations)?

9 yes 8 no 20 not applicable

If so, how? HAVE CHILDREN BEFORE PLANT OPENS, WON'T GO NEAR PLANT
WHEN PREGNANT.

8. Rank the factors listed below (risks of living near the Perry plant) in the order of their importance in contributing to your stress (rank from 1 to 13; 1 is most important, 13 is least important).

11 declining real estate property values
3 unsolved problem of nuclear waste disposal
7 reactor decommissioning
5 nuclear waste transport
1 catastrophic accidents
2 continuous low-level radiation emissions
4 forced evacuation
9 rate hikes in electric bills
10 sabotage/terrorism
6 foodstuff contamination

8. continued

12 lack of adequate insurance in event of nuclear accident

8 effects on nuclear proliferation and world security

13 other GENETIC DETERIORATION
NOT NEEDED; FAULTY CONSTRUCTION; NO EVACUATION PLAN;
FAMILY INSECURITY; HEARING ABOUT TMI; THERMAL POLLUTION

9. Please describe in detail any other effects the Perry Nuclear Power Plant has had on your life.

10. Do you favor or oppose the licensing (for operation) of Perry as a nuclear facility?

0 favor

46 oppose