

December 14, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

'82 DEC 17 A10:43

In the Matter of)
)
CLEVELAND ELECTRIC, ILLUMINATING)
COMPANY, Et Al.)
)
(Perry Nuclear Power Plant,)
Units 1 and 2))

Docket Nos. 50-440)
)
(Operating License))

OCRE RESPONSE TO NRC STAFF'S MOTION FOR
SUMMARY DISPOSITION OF ISSUE #12

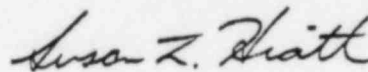
On November 22, 1982, the NRC Staff filed its motion for summary disposition of Issues 11 and 12 in this proceeding. As support for its motion, the Staff submitted the affidavits of Brian J. Richter. Ohio Citizens for Responsible Energy ("OCRE"), lead intervenor for Issue #12, hereby files its response to the portion of the Staff's motion relating to Issue #12.

Because of a lack of resources with which to properly pursue the litigation of this issue, OCRE is not opposing the Staff's motion. This should not be construed as agreement with the Staff, but only that OCRE would rather devote its resources to the safety issues. In addition, the litigation of Issue #12 would appear to involve the question of the weight to be accorded to a Commission policy statement (Statement of Interim Policy, "Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969," 45 Fed. Reg. 40101, June 13, 1980). The Licensing Board has previously declined to decide this question, as it relates to psychological stress. See August 30, 1982 Memorandum and Order (Motion for

Reconsideration or Certification), slip op. at 3.

It would seem appropriate, though, to amend the Perry FES to at least reflect the existence of NUREG/CR-2591, since this report contains data specifically pertaining to the Perry plant. The Staff concedes that the NUREG/CR-2591 model serves as a supplement to the CRAC model utilized in the FES. As such, it is entirely appropriate to amend the FES to reference NUREG/CR-2591 as a supplementary study. OCRE would urge the Licensing Board to consider this as a resolution to this issue.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing OCRE
RESPONSE TO NRC STAFF'S MOTION FOR SUMMARY DISPOSITION OF ISSUE
#12 were served by deposit in the U.S. Mail, first class, postage
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