

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

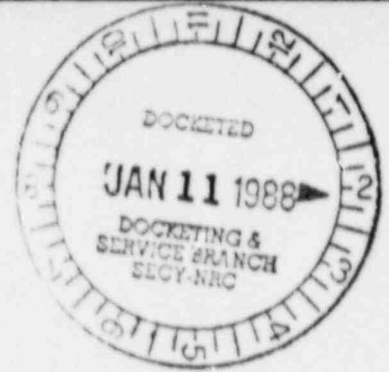
Before the Atomic Safety and Licensing Board

In the Matter of

THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, ET AL.

(Perry Nuclear Power Plant, Unit 1)

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) Docket No. 50-440 OLA
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PETITION FOR LEAVE TO INTERVENE AND REQUEST
FOR A FORMAL ADJUDICATORY HEARING

I. INTRODUCTION

On September 18, 1987 the Cleveland Electric Illuminating Company filed with the Nuclear Regulatory Commission ("NRC") a request for an amendment to Appendix A of the operating license for the Perry Nuclear Power Plant. The requested amendment would (1) delete all references to the Main Steam Isolation Valve Leakage Control System ("MSIVLCS") in the Perry Technical Specifications; and (2) change the current Technical Specification limit on MSIV leakage of 25 scfh per steam line to a total of 100 scfh through any combination of steam lines. The purported basis for this amendment request is a plant-specific evaluation of NUREG-1169, "Resolution of Generic Issue C-8", which supposedly shows that offsite doses using the "isolated condenser configuration" would be lower than those resulting from use of the MSIVLCS. The instant amendment request is the first step in their application of NUREG-1169; eventually the Applicants plan another amendment to eliminate

the MSIVLCS entirely.

The NRC published a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing" regarding this amendment request in the Federal Register on December 11, 1987. 52 Fed. Reg. 47064. Pursuant to this notice, the Atomic Energy Act (Section 189a, 42 USC 2239) and the NRC's Rules of Practice (10 CFR 2.714), petitioner Ohio Citizens for Responsible Energy, Inc. ("OCRE") hereby requests a formal adjudicatory hearing on this amendment request and files this petition for leave to intervene in said proceeding with the intention of becoming a full party with rights to engage in discovery, to present evidence, and to cross-examine witnesses.

II. DESCRIPTION OF PETITIONER

Petitioner OCRE is a private, nonprofit corporation organized under the laws of the State of Ohio. OCRE specializes in research and advocacy on issues of nuclear reactor safety and has as its goal the promotion and application of the highest standards of safety to such facilities. OCRE was an intervenor in the operating license proceeding for the Perry Nuclear Power Plant. Members of OCRE live and own property within 15 miles of Perry.

OCRE has been authorized by at least one member to represent that member's interests in this proceeding, pursuant to Houston Lighting and Power (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644 (1979). See Affidavit of Susan L. Hiatt.

III. NATURE OF OCRE'S RIGHT UNDER THE ATOMIC ENERGY ACT TO BE MADE A PARTY TO THE PROCEEDING

OCRE's right to be made a party to this proceeding is grounded in Section 189a of the Atomic Energy Act, which states that "(i)n any proceeding under this Act for the granting, suspending, revoking, or amending any license or construction permit . . . the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding." 42 USC 2239a. Included in the NRC's definition of "person" is a corporation, such as OCRE. 10 CFR 2.4(o).

IV. NATURE AND EXTENT OF PETITIONER'S INTEREST IN THE PROCEEDING

As noted above, members of OCRE reside and own property within 15 miles of the Perry Nuclear Power Plant. OCRE members have a definite interest in the preservation of their lives, their physical health, their livelihoods, the value of their property, a safe and healthy natural environment, and the cultural, historical, and economic resources of Northeast Ohio.

V. EFFECT OF ANY ORDER IN THIS PROCEEDING ON PETITIONER'S INTEREST

Should the requested amendment be granted, OCRE members face an increased risk to their lives and property. In

NUREG-0933, "Prioritization of Generic Safety Issues", dated 11/30/83, the NRC's Accident Evaluation Branch performed a consequence analysis of a core melt accident with large (3000 scfh) MSIV leakage. The analysis used the CRAC 1 code and assumed the population and meteorology of the Perry site. The release was assumed to occur immediately downstream of the first non-seismic category 1 component (turbine stop valve) in the main steam line. "Computed average consequences were 5.2×10^6 man-rem and 45 early fatalities within 50 miles of the site." NUREG-0933, p. 2.C.8-4.

Such consequences of reliance upon non-safety related, non-seismic category 1 components to retain fission products clearly demonstrate the threat to the lives, health, property, and other interests of OCRE members should this amendment be granted.

VI. SUBJECT MATTER OF PROCEEDING AS TO WHICH PETITIONER WISHES TO INTERVENE

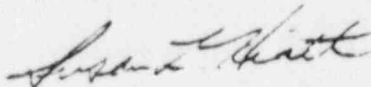
OCRE is opposing only the part of the amendment request which would delete the Technical Specifications pertaining to the MSIVLCS. The aspects of the subject matter of the proceeding which OCRE plans to challenge include the validity of the analytical assumptions and methodologies upon which Applicants rely. Specific contentions to be litigated will be

filed not later than 15 days prior to the first prehearing conference in this proceeding.

VII. CONCLUSION

For the foregoing reasons, OCRE has demonstrated its right to be made a party to this proceeding, and OCRE's petition for leave to intervene should be granted.

Respectfully submitted,



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DATED: JAN. 7, 1988