

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Director, Office of Nuclear Reactor Regulation

In the Matter of)
)
THE CLEVELAND ELECTRIC) Docket Nos. 50-440 OL
ILLUMINATING CO. ET AL.) 50-441 OL
)
(Perry Nuclear Power Plant,)
Units 1 and 2))

PETITION FOR ACTION UNDER 10 CFR 2.206

I. INTRODUCTION

At 11:47 AM on Friday, January 31, 1976 an earthquake with a magnitude of 5.0 on the Richter scale struck Northeast Ohio. The epicenter of the earthquake is estimated to be near Thompson, Ohio, less than 10 miles from the Perry Nuclear Power Plant.

While only preliminary information is available on the earthquake at this time, this information strongly indicates that, at a minimum, the FSAR analysis of site area seismicity needs to be redone. The January 31 earthquake clearly shows the conclusions in the FSAR and SER (NUREG-0887) to be erroneous. For example, it is concluded that no capable faults exist in the vicinity of the plant. FSAR Section 2.5.3.6; SER at P. 2-21. The plant site is also said to be an area of low seismicity. FSAR Section 2, Appendix D, P. D-94.

Even more disturbing are news accounts stating that accelerations from the earthquake were estimated to range from 0.19 g to 0.25 g. Perry is designed to withstand 0.15 g (safe shutdown earthquake). FSAR Section 2.5.2.6. This, along with the definition of the operating basis earthquake in 10 CFR 100

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Appendix A (an earthquake which could reasonably be expected to affect the plant site during the operating life of the plant), indicates that the SSE and OBE should be more severe than presently postulated, and the seismic capability of safety-related structures, systems, and components at Perry should be upgraded accordingly.

In light of this information, Ohio Citizens for Responsible Energy ("OCRE") has moved to reopen the hearing record in the Perry operating license proceeding, for the purposes of admitting and litigating the following new contention:

Applicants have not demonstrated that the seismic design of the Perry Nuclear Power Plant is adequate in light of observed local seismicity.

Because fuel loading of Perry Unit 1 is scheduled for sometime this month (perhaps as soon as mid-February), OCRE also finds it necessary to file this action pursuant to 10 CFR 2.206 in order to ensure that licensing does not proceed before this matter has been thoroughly investigated.

II. RELIEF REQUESTED

OCRE requests that fuel loading not be permitted, and that no operating license for any power level be issued, until the following actions have been accomplished:

1. The Perry Nuclear Power Plant has been thoroughly inspected for damage resulting from the January 31 earthquake. This should include the use of nondestructive evaluation techniques as well as visual inspection.

2. Post-earthquake functional testing of all plant systems is completed. These tests should include, but not be limited to, containment integrated leak rate testing and hydrostatic testing of the reactor coolant pressure boundary.

3. Full completion of any corrective actions or repairs found to be necessary as a result of the testing and inspection delineated above.

4. A comprehensive investigation of the January 31 earthquake and a reevaluation of local seismicity by the Cleveland Electric Illuminating Co., the NRC, the Advisory Committee on Reactor Safeguards, the U.S. Geologic Survey, and all other scientific entities studying the earthquake.

5. Completion of the hearing and issuance of a decision on OCRE's seismic design contention (noted above) in the reopened operating license proceeding, should the Appeal Board grant OCRE's motion.

6. Completed installation of any seismic upgrading of Perry that may be required either by the NRC Staff or by the Appeal Board in its decision on OCRE's seismic design contention.

III. CONCLUSION

The January 31 earthquake raises significant questions about the safety of the Perry Nuclear Power Plant. Completion of the above activities is a necessary prerequisite to the resolution of these questions. Because it is imperative that the safety of Perry be firmly resolved before the plant is permitted to

operate, the granting of this petition is manifestly in the public interest.

Respectfully submitted,

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