

December 6, 1988

Distribution  
Docket File  
NRC & Local PDRs  
PDIII-3 r/f  
MVirgilio  
PKreutzer  
TColburn

Docket Nos. 50-440  
and 50-441

Mr. Alvin Kaplan, Vice President  
Nuclear Group  
The Cleveland Electric Illuminating  
Company  
10 Center Road  
Perry, Ohio 44081

Dear Mr. Kaplan:

SUBJECT: PARTIAL DIRECTOR'S DECISION (DD-88-15) DATED SEPTEMBER 16, 1988  
AND FINAL DIRECTOR'S DECISION (DD-88-19) DATED NOVEMBER 29, 1988.  
(TAC NO. 71240)

On September 16, 1988 and November 29, 1988, Dr. Thomas E. Murley, Director, Office of Nuclear Reactor Regulation, issued the subject decisions in response to a petition filed pursuant to 10 CFR 2.206 by the Concerned Citizens of Lake County, Concerned Citizens of Geauga County and Concerned Citizens of Ashtabula County on September 22, 1987 as amended by letters dated October 8, 1987 and April 8 and July 25, 1988. In those decisions, Dr. Murley concluded that no substantial basis existed for issuing an order requiring the actions requested by the petitioners and, therefore, the petition was denied. However, Dr. Murley did state that you would be advised for the next and succeeding emergency information handbook update to clarify the sections on ionizing radiation and its possible health effects and to consider issuance of pre-addressed special needs cards (September 16, 1988 Partial Director's Decision, DD-88-15, at pages 8, 10, and 11). Dr. Murley also stated that you would be advised to make corrections and improvements to evacuation instructions in accordance with FEMA recommendations during your next annual update of the emergency information handbook (November 29, 1988 Final Director's Decision at page 7).

It is the purpose of this letter to formally advise you to take the corrective action outlined above and to request that within 30 days receipt of this letter you provide your commitment to making the corrections in accordance with the requested schedule. Copies of DD-88-15 and DD-88-19 are enclosed for your convenience.

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PDR ADOCK 05000440  
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*EP*

Mr. Alvin Kaplan

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This request for additional information affects fewer than 10 respondents, therefore, OMB clearance is not required under Pub. L. 96-511.

Sincerely,

/s/ by T. Colburn  
for

John N. Hannon, Director  
Project Directorate III-3  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosures:

1. DD 88-15
2. DD 88-19

cc: See next page

Office: LA/PDIII-3  
Surname: PK *Penner*  
Date: 12/6/88

*TC*  
PM/PDIII-3  
TColburn/mr  
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Mr. Alvin Kaplan  
The Cleveland Electric  
Illuminating Company

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Perry Nuclear Power Plant  
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The Honorable Lawrence Logan  
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The Honorable Robert V. Orosz  
Mayor, Village of North Perry  
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

September 26, 1988

Ms. Connie Kline  
38531 Dodds Landing Drive  
Willoughby Hills, Ohio 44094

Ms. Theresa Burling  
11701 Colburn Road  
Chardon, Ohio 44024

Mr. Ron O'Connell  
315 Garfield Street  
Geneva, Ohio 44041

Mr. Russ Bimber  
10471 Prouty Road  
Painesville, Ohio 44077

Dear Petitioners:

Subject: CLEVELAND ELECTRIC ILLUMINATING COMPANY, PERRY NUCLEAR POWER PLANT  
UNITS 1 AND 2, DOCKET NOS. 50-440 AND 50-441

On September 16, 1988, DD-88-15, Partial Director's decision under 10 CFR Section 2.206, was issued. The decision responded to "Request for Action Under 10 CFR 2.206" (Docket No. 50-440/441) filed by the Concerned Citizens of Lake County, Concerned Citizens of Geauga County and Concerned Citizens of Ashtabula County on September 22, 1987 as amended by letters dated October 8, 1987 and April 8, and July 25, 1988.

The copies of the partial decision and notice contained typographical errors. Page 12 of the partial decision ends a line in the middle of a page and the second page of the notice repeats two words from the previous page. Attached is a corrected copy of the partial decision and notice.

If there are questions, please contact Pat Kreutzer at (301) 492-1392 or Tim Colburn at (301) 492-1369.

We apologize for the inconvenience caused by this error.

Sincerely,

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc: See next page

8810060187 2/11

Multiple Addressees

-2-

cc w/enclosure:

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The Honorable Robert V. Orosz  
Mayor, Village of North Perry  
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

(DD-88-15)

(CORRECTED COPY)

September 16, 1988

(September 26, 88)

Ms. Connie Kline  
38531 Dodds Landing Drive  
Willoughby Hills, Ohio 44094

Ms. Theresa Burling  
11701 Colburn Road  
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Mr. Ron O'Connell  
315 Garfield Street  
Geneva, Ohio 44041

Mr. Russ Bimber  
10471 Prouty Road  
Painesville, Ohio 44077

Dear Petitioners:

Subject: CLEVELAND ELECTRIC ILLUMINATING COMPANY, PERRY NUCLEAR POWER PLANT  
UNITS 1 AND 2, DOCKET NOS. 50-440 AND 50-441

On September 22, 1987, you filed a motion on behalf of the Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County (petitioners) requesting, pursuant to 10 CFR 2.206, that the U.S. Nuclear Regulatory Commission (NRC) require the Cleveland Electric Illuminating Company, among other things, to correct certain alleged deficiencies in the publication of public information for the Perry Nuclear Power Plant. Supplements to the petition were subsequently submitted by you on October 8, 1987 and April 8 and July 25, 1988.

Enclosed is a partial director's decision on those issues raised in your supplemental petition of April 8, 1988. As noted in this partial decision, a final decision will be issued, at a later date, regarding those additional contentions raised in your July 25, 1988 supplemental petition.

For the reasons set forth in the enclosed "Partial Director's Decision under 10 CFR 2.206," DD-88-15, the petition has been denied with respect to those considerations raised in your April 8, 1988 supplement. However, the Licensees will be advised, for their next and succeeding public information publications, to clarify the sections on ionizing radiation and its possible health effects and to consider at least providing preaddressed special needs cards. To the extent this relief grants some of your requests, the petition is granted. A copy of the enclosed director's decision will be referred to the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c).

Sincerely,

A handwritten signature in black ink, appearing to read "T. Murley", with a large, sweeping flourish at the end.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision
2. Federal Register Notice

cc: See next page

~~88-10060158~~ 1P.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION  
Thomas E. Murley, Director

In the Matter of

CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, ET AL.

(Perry Nuclear Power Plant,  
Units 1 and 2)

Docket Nos. 50-440  
50-441

(10 CFR 2.206)

PARTIAL DIRECTOR'S DECISION

I. INTRODUCTION

In a petition dated September 22, 1987, Ms. Connie Kline, Ms. Theresa Burling, Mr. Russ Bimber, and Mr. Ron O'Connell, on behalf of Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County (Petitioners) requested, pursuant to 10 CFR 2.206, that the U.S. Nuclear Regulatory Commission (NRC) require the Cleveland Electric Illuminating Company, et al. (CEI or Licensees) to correct alleged deficiencies in the Licensees' emergency preparedness program. Thereafter, in December 1987 portions of the Licensees' program were revised, and on April 8, 1988, the Petitioners withdrew their original contentions, but added certain new contentions based upon alleged deficiencies in the revised program. On July 25, 1988, they again added additional contentions based upon a subsequently discovered Federal Emergency Management Agency (FEMA) document.

The contentions in Petitioners' April 8, 1988 supplemental petition are addressed in this partial decision. The reasons set forth below, I have determined that the deficiencies alleged by the Petitioners

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do not require correction. To the extent that deficiencies still remain, the Licensees will be directed to take necessary action.

## II. BACKGROUND

On September 22, 1987, Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County filed the instant petition. Their primary concern was that the 1986 Emergency Preparedness Information Handbook for the Perry Nuclear Power Plant (hereinafter referred to as "the 1986 Handbook") allegedly contained false and misleading information about nuclear power and was written in a manner which minimizes or disregards the need for emergency planning. They also believed this handbook should have been more instructive and more useable. As relief, the Petitioners requested that the NRC direct the Licensees to redistribute a corrected handbook to the public incorporating their proposed revisions. In addition to the handbook corrections, the Petitioners requested that the Licensees be required to make certain other revisions in their emergency preparedness program by changing the location of receiving schools, installing emergency signs, and correcting the emergency planning portion of local telephone directories.

On October 8, 1987, the Petitioners supplemented their original petition by forwarding several newspaper articles which they requested be included as Appendices E and F of their petition. On November 9, 1987, I

acknowledged receipt of their petition and advised the Petitioners that their allegations would be answered within a reasonable time. <sup>1/</sup>

On November 3, 1987, the NRC sent the petition to FEMA for that agency's review of the Petitioners' contentions pursuant to its responsibility to advise the NRC regarding offsite emergency preparedness issues. <sup>2/</sup>

In December 1987, the Licensees published a new emergency preparedness brochure entitled "1988 Calendar-Emergency Preparedness Information" (hereinafter referred to as "the 1988 Calendar" or "the calendar") to replace the 1986 Handbook. The 1988 Calendar was forwarded to FEMA on December 4, 1987. Subsequently, on February 26, 1988, FEMA advised the NRC that most of the alleged deficiencies in the 1986 Handbook had been rectified in the 1988 Calendar. FEMA found some deficiencies in the 1988 Calendar, but recommended that their correction could await the next annual revision to the calendar. In addition, FEMA also enclosed recommendations it had solicited from the Environmental Protection Agency, Region V (EPA), concerning those portions of the 1988 calendar relating to radiation and health effects. FEMA also recommended that the NRC order

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<sup>1/</sup> See 52 Fed. Reg. 43810 (November 16, 1987).

<sup>2/</sup> See 10 CFR 50.54(s)(2) and (3) and Memorandum of Understanding between FEMA and the NRC (50 Fed. Reg. 15485, April 18, 1985).

the Licensees to work with the State and local authorities to address two other problem areas relating to the Licensees' emergency preparedness program. <sup>3/</sup>

On March 9, 1988, the Licensees responded to the petition by contending that the Petitioners had failed to raise a factual or legal basis for their requested relief. The Licensees also contended that most of the Petitioners' requests had been rendered moot by revisions made in the 1988 Calendar.

In a supplemental petition of April 8, 1988 replying to the Licensees' March 9, 1988 response, the Petitioners agreed that the 1988 Calendar had rectified the major deficiencies in the 1986 Handbook. Accordingly, they requested that I issue a Director's Decision only on those specified portions of the 1988 Calendar that they believed are objectionable, and they acknowledged that a ruling on all other matters was unnecessary. The Licensees responded to this supplement on August 2, 1988.

On May 6, 1988, the NRC requested FEMA to submit its recommendations for those remaining contentions listed in the Petitioners' April 8, 1988

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<sup>3/</sup> FEMA's recommendations were that the NRC should order the Licensees to work with State and local authorities to address issues involving the location of receiving schools and the lack of permanent emergency information signs in some locations near the Perry facility. On April 19, 1988, FEMA clarified its position on these two possible problem areas by recommending that: (1) the State of Ohio, local jurisdictions, and the Licensees should revisit, within 4 months, the existing school evacuation planning procedures involving the receiving schools with a goal of either arriving at a schedule for implementing plan changes or adopting a position on the issue, and (2) emergency information signs should be installed in Lake and Ashtabula Counties within the next 4 months or a schedule should be provided for their installation.

supplement that were within FEMA's area of expertise. On June 22, 1988, FEMA provided its response.

The Petitioners submitted a third supplement to their petition dated July 25, 1988 requesting that the recommendations of FEMA and EPA contained in the memoranda from FEMA to the NRC dated February 26, 1988 and April 19, 1988 be added to the petition. In the interest of providing a timely response to the Petitioners' concerns, I am issuing a partial decision on those issues raised prior to the third supplement to the petition. A decision on those issues raised by the third supplement to the petition, which are independent of the matters addressed in this decision, will be addressed in the final decision.

### III. DISCUSSION

The Petitioners' remaining concerns, as listed in their supplemental petition of April 8, 1988, related to: (1) whether the 1988 Calendar had been distributed to businesses within the plume exposure Emergency Planning Zone (EPZ), (2) whether a page on emergency planning that had been distributed by the Ohio Bell Company to remedy omissions in the telephone book was delivered to businesses, (3) whether this same emergency planning page should have included instructions that it should be placed in the telephone book or at least be retained by the recipient, (4) whether the 1988 Calendar needs to emphasize that parents should listen to the Emergency Broadcasting System (EBS) broadcasts to confirm the location of receiving schools before picking-up their children, (5) whether the special needs information card which was enclosed with the 1988 Calendar should be postage paid and preaddressed, (6) whether the

information in the 1988 Calendar on the Three Mile Island accident tends to create complacency and should be removed, and (7) whether the 1988 Calendar properly characterizes ionizing radiation and its effects on people.

FEMA has provided recommendations in its June 22, 1988 review for issues (1) through (6) above. Issue (7) above, which is more within the NRC's area of expertise, was reviewed by the NRC staff. The FEMA and the NRC staff reviews are discussed below.

1. Whether the 1988 Calendar has been distributed to businesses within the Perry EPZ.

The Petitioners are concerned that the 1988 Calendar may not have been sent to businesses within the Perry EPZ. FEMA has investigated this issue and confirmed that businesses there received this publication. FEMA obtained this confirmation from mailing lists that it received from the Licensees and from spot-checks that it conducted in the field.

FEMA's investigation revealed that the calendars were mailed to all postal patrons in the EPZ through the services of a commercial company that used updated mailing lists obtained from the U.S. Postal Service. This mailing included an estimated 2,531 businesses plus those businesses that use a post office box or a rural route address.

2. Whether a page on emergency planning which was distributed by the Ohio Bell Company to remedy omissions in the telephone book was delivered to businesses.

The Petitioners are also concerned that an emergency planning insert to the telephone directory may not have been sent to businesses. FEMA's investigation of this issue revealed that 70,000 copies of this insert

were mailed by Ohio Bell Company to all holders of its telephone directories, to include businesses. The FEMA investigation also disclosed that a copy of this insert was delivered by Ohio Bell Company with each new directory requested until August 1988 when a new directory was issued.

Additional confirmation that businesses received this insert was obtained by spot-checks by FEMA of local businesses in the EPZ.

3. Whether this same emergency planning insert that was distributed by the Ohio Bell Company should have included instructions that it be placed in the telephone book or be kept.

The Petitioners also complain that this emergency planning insert did not have any instructions or explanations that it should be placed in the telephone book. Thus, according to the Petitioners, it is likely that recipients did not place this insert in its intended location in the directory, if they kept it at all.

Although this mailing did not specifically include instructions that the page be placed in the telephone book, FEMA's investigation revealed that adequate instructions were given to alert recipients of the importance of the insert and the need for its retention, since the envelope in which it was sent contained, in red print, the statement, "Important Emergency Information-Please Retain-." Spot-checks by FEMA's field inspectors also confirmed that the insert was being retained.

4. Whether the 1988 Calendar needs to emphasize that parents should listen to the Emergency Broadcast System (EBS) broadcasts to confirm the location of receiving schools before picking up their children.

The Petitioners contend that the handbook should emphasize that parents should listen to EBS broadcasts before trying to pick up their

school children during a radiological emergency. They base this contention on the chance that the designated receiving schools will have to be changed if they are in the path of a radiological plume during an emergency.

FEMA does not believe the handbook is deficient in its instructions about receiving schools. Although FEMA acknowledges that the location of the receiving schools that are listed in the 1988 Calendar can be changed during an emergency, it believes this list is appropriate information for the calendar since these schools are the official receiving centers which are intended to be utilized, and in all probability will be utilized, for school children during an emergency. While the calendar provides this important information, it also provides for the substitution of schools on this list by specifically instructing that local radio and television will provide the names of receiving schools during an emergency. The calendar also emphasizes in several places that the public should listen to EBS broadcasts during an emergency and "FOLLOW THE RADIO AND TV INSTRUCTIONS."

5. Whether the special needs information cards should be postage paid and preaddressed.

The Petitioners want the special needs cards which were sent with the 1988 Calendar to be postage paid and preaddressed so that their utilization will be more likely. However, there are no NRC or FEMA requirements that would require these special services, and it is a matter for State and local authorities and the Licensees to decide whether they are necessary. Nevertheless, although it is not mandatory, FEMA's recommendation that consideration be given to at least preaddressing the special needs card will be forwarded to the Licensees.

6. Whether information in the 1988 Calendar on the Three Mile Island accident tends to create complacency and should be removed.

The Petitioners claim that the information in the 1988 Calendar about the Three Mile Island accident tends to create complacency about accidents at nuclear power plants since it incorrectly states that the radiation releases which occurred at Three Mile Island were not a hazard to the public. FEMA has advised that the section of the 1988 Calendar on the accident at Three Mile Island is a factual and accurate reference to that accident and its consequences. Therefore, the representations about the accident made in the calendar could not create complacency, and they would not need to be removed.

7. Whether the 1988 Calendar properly characterizes ionizing radiation and its effects on people.

The Petitioners also allege that the 1988 Calendar encourages the public to become complacent about the dangers of nuclear power by failing to distinguish between ionizing and non-ionizing radiation. They claim, in this regard, that ionizing radiation differs from non-ionizing radiation in that it can break chemical bonds and be fatal to humans, while non-ionizing radiation is not dangerous. According to the Petitioners, the calendar inappropriately compares the radiation that can be emitted during an accident at a nuclear power plant, which would be a form of ionizing radiation, with non-dangerous, non-ionizing radiation such as heat, light, and radio waves. As a cure, the Petitioners propose changing or deleting several words and sentences and clarifying an apparent contradiction in the text which states that "people cannot see, taste, feel, hear, or smell radiation" while listing heat, light, and

radio waves as examples of radiation. The Petitioners also disagree with an assertion in the 1988 Calendar that doses of radiation less than 25 rems are harmless.

I agree with the Petitioners that the 1988 Calendar fails to properly characterize the ionizing radiation that can be emitted by a nuclear power plant by inappropriately comparing it with certain types of non-ionizing radiation. In addition, I conclude that portions of the statement that "people cannot see, taste, feel, hear, or smell radiation" are inaccurate since people can obviously see light and feel the heat resulting from infrared radiation.

I further find that the references to 25 rem in the 1988 Calendar is inaccurate. Although there is scientific and academic controversy in the area of health effects of low doses of ionizing radiation (i.e., 0.1 to 50 rem), <sup>4/</sup> there is substantial scientific evidence that whole-body doses as low as 10 rem can produce chromosome breaks, and deleterious genetic effects can be associated with such breaks. <sup>5/</sup> Furthermore, I find it inappropriate in a public information brochure of this kind to burden the public with scientific detail of a complex and controversial nature, especially when such detail is unneeded as information for the public's response to accidents.

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<sup>4/</sup> In the area of radiobiology at low doses, the spectrum of scientific beliefs ranges from beneficial effects such as the lengthening of life to detrimental effects such as undesirable genetic mutations and carcinogenesis.

<sup>5/</sup> See: Lloyd, "An Overview of Radiation Dosimetry by Conventional Cytogenetic Methods," at 7, 11-12, Biological Dosimetry (1984).

Although portions of the 1988 Calendar are thus incorrect, the remedy is not deleting information about the nature of ionizing radiation and its possible health effects since such information may be helpful for public understanding of the need to take appropriate action during a nuclear power plant emergency. However, the public should be provided educational materials on this subject in language that is both understandable to the layman and is scientifically accurate. These materials should not raise complex scientific issues, but should provide the lay reader with an appreciation of radiation and its possible health effects in a practical sense. The Licensees have appropriately limited the scope and level of sophistication in this section of the calendar, but, as noted above, has missed the mark on scientific accuracy. These inaccuracies are not so egregious, however, as to warrant correction before the next annual revision of the public information brochure/calendar. Accordingly, the Licensees will be advised to ensure that, in future revisions of this publication, the information concerning ionizing radiation and its health effects is practical and understandable to the layman as well as scientifically accurate. <sup>6/</sup>

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<sup>6/</sup> In arriving at this decision, I have given full consideration to the EPA Region V comments and recommendations on radiation and its health effects, dated December 28, 1987, that were based on a review of the 1986 Handbook and were attached to the February 26, 1988 FEMA response. (FEMA noted that the changes in the calendar did not substantially change the basis of the EPA Region V comments and recommendations that were based on the 1986 Handbook.) Specifically, the EPA Region V found that the 1986 Handbook contained misleading statements regarding the characterization of ionizing radiation and the associated health effects. It concurred with the Petitioners that (1) these misstatements should be corrected, and recommended

(FOOTNOTE CONTINUED ON NEXT PAGE)

#### IV. CONCLUSION

The Petitioners seek certain specified improvements in the public information published on emergency preparedness for the Perry Nuclear Power Plant. For the reasons discussed above, I find no substantial basis for issuing an order requiring the actions requested and, therefore, the petition is denied. However, the Licensees will be advised, for their next and succeeding public information publications, to clarify the sections on

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(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

that (2) the handbook should be rewritten to convey to the lay public a more accurate picture of the current radiation protection philosophy to include certain technical concepts such as the linear, non-threshold model of health effects, the principle of keeping exposure as low as reasonably achievable, and the known health effects of ionizing radiation, and (3) the Licensees should provide a reference to a statement in the 1986 Handbook that nuclear power plants are not permitted to expose the public to more than five millirems per year and that the Perry plant only gives doses of one or two millirems per year to members of the public. I have addressed the EPA Region V recommendations (1) and (2) in the above discussion. With regard to recommendation (2), I would point out that EPA appears to recommend that a number of scientific concepts be included in the handbook (e.g., linear, non-threshold health effects model, principle of keeping exposure as low as reasonably achievable, and known health effects of ionizing radiation). However, such detailed information would be inappropriate in a document of this type since it would not be readily understood by a layman. In this regard, FEMA has advised that information in public information brochures should be easily understood and not overly technical, if it is to be of value to the public during an emergency. See FEMA REP-11, "A Guide to Preparing Emergency Public Information Materials," at p. 18 (September 5, 1985). With regard to recommendation (3), no reference for offsite doses is necessary since the Licensees have informed the NRC staff that all representations concerning offsite doses during normal operation are being deleted from their 1989 public information brochure.

ionizing radiation and its possible health effects and to consider at least providing preaddressed special needs cards. To the extent this relief grants some of the Petitioners' requests, the petition is granted. As provided in 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary of the Commission for the Commission's review.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas E. Murley, ~~Director~~  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 16th day of September, 1988

U.S. NUCLEAR REGULATORY COMMISSIONDOCKET NOS. 50-440, 50-441CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2ISSUANCE OF PARTIAL DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued a partial director's decision concerning a petition dated September 22, 1987, filed by Ms. Connie Kline, Ms. Theresa Burling, Mr. Russ Bimber, and Mr. Ron O'Connell, on behalf of Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County (petitioners). Supplements to the petition were submitted on October 8, 1987 and April 8 and July 25, 1988. Among other things, the petitioners requested that the NRC issue an order to the Cleveland Electric Illuminating Company, et al. to correct alleged deficiencies in a public information handbook on emergency planning for the Perry Nuclear Power Plant. The petitioners alleged that this handbook contained false and misleading information concerning nuclear power and nuclear accidents at power plants which was likely to persuade those reading it to minimize or disregard the need for emergency planning.

The Director has now determined that most of the petitioners' requests in their April 8, 1988 supplemental petition should be denied for the reasons explained in the "Partial Director's Decision Under 10 CFR 2.206" (DD-88-15), which is available for inspection in the Commission's Public Document Room, 2120 L Street N.W., Washington, D.C. 20555 and at the local Public Document

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Room for the Perry Nuclear Power Plant at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. A final decision will be issued at a later date regarding those additional contentions raised in the July 25, 1988 supplement to the petition.

A copy of the partial decision will be filed with the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Rockville, Maryland this 16th day of September 1988

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "T. Murley", with a large, stylized flourish at the end.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

November 29, 1988

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Ms. Theresa Burling  
11701 Colburn Road  
Chardon, Ohio 44024

Mr. Ron O'Connell  
315 Garfield Street  
Geneva, Ohio 44041

Mr. Russ Bimber  
10471 Prouty Road  
Painesville, Ohio 44077

Dear Petitioners:

SUBJECT: CLEVELAND ELECTRIC ILLUMINATING COMPANY, PERRY NUCLEAR POWER  
PLANT, UNITS 1 AND 2, DOCKET NOS. 50-440 AND 50-441

On September 22, 1987, you filed a motion on behalf of the Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County (petitioners) requesting, pursuant to 10 CFR 2.206, that the U. S. Nuclear Regulatory Commission (NRC) require the Cleveland Electric Illuminating Company, among other things, to correct certain alleged deficiencies in the publication of public information for the Perry Nuclear Power Plant. Supplements to the petition were subsequently submitted by you on October 8, 1987, and April 8 and July 25, 1988.

On September 16, 1988, I issued a "Partial Director's Decision Under 10 CFR 2.206" (DD-88-15) on those issues raised in your supplemental petition of April 8, 1988. I noted in that partial decision that a final decision would be issued at a later date in regard to the additional contentions raised in your July 25, 1988 supplemental petition.

Enclosed is a final director's decision on those issues contained in your July 25, 1988 supplemental petition. For the reasons set forth in the enclosed "Final Director's Decision under 10 CFR 2.206," DD-88-19, the petition has been denied with respect to those considerations raised in your July 25, 1988 supplement. However, the licensees will be advised that for the next publication of their public information brochure they should make the clarifications discussed under item A-7 concerning advice on evacuation. To the extent this relief grants some of your requests, the petition is granted.

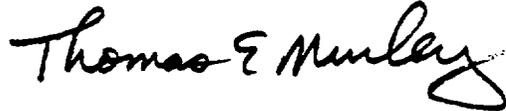
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Ms. Connie Kline, et al.

-2-

A copy of the enclosed final director's decision will be referred to the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c).

Sincerely,

A handwritten signature in black ink that reads "Thomas E. Murley". The signature is written in a cursive style with a large, looping "M" and a long, sweeping underline.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision
2. Federal Register Notice

cc: See next page

Mr. Alvin Kaplan  
The Cleveland Electric  
Illuminating Company

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Resident Inspector's Office  
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Parmlly at Center Road  
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Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
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Perry Nuclear Power Plant  
Unit 1

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The Honorable Robert V. Orosz  
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Perry, Ohio 44081

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION  
Thomas E. Murley, Director

In the Matter of	}	
THE CLEVELAND ELECTRIC ILLUMINATING		Docket Nos. 50-440
COMPANY, ET AL.		50-441
(Perry Nuclear Power Plant, Units 1 and 2)		(10 CFR 2.206)

FINAL DIRECTOR'S DECISION

I. INTRODUCTION

On September 16, 1988, I issued a Partial Director's Decision (DD-88-15) based on a petition, filed pursuant to 10 CFR 2.206, by Ms. Connie Kline, Ms. Theresa Burling, Mr. Russ Bimber, and Mr. Ron O'Connell, on behalf of Concerned Citizens of Geauga County, Concerned Citizens of Lake County, and Concerned Citizens of Ashtabula County (petitioners), postmarked September 22, 1987 and supplemented October 8, 1987, April 8, 1988, and July 25, 1988. The petition and the supplements expressed concerns regarding the emergency preparedness program for the Perry Nuclear Power Plant, primarily in the area of public information, and requested that the U.S. Nuclear Regulatory Commission (NRC) require the Cleveland Electric Illuminating Company, et al. (licensees) to correct certain alleged deficiencies in that program. <sup>1/</sup>

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<sup>1/</sup> A detailed chronology of the submittals and responses associated with this 2.206 petition may be found in my Partial Director's Decision (DD-88-15) dated September 16, 1988.

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My Partial Director's Decision (DD-88-15) dealt with unresolved contentions raised by the petitioners prior to their third supplement on July 25, 1988. This Final Director's Decision addresses their third supplement in which the petitioners adopt, as contentions, recommendations made to the NRC by the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA) in letters and memoranda of February 26 and April 19, 1988. <sup>2/</sup>

FEMA's February 26 and April 19, 1988 memoranda responded to an NRC request for FEMA's recommendations pertaining to the petitioners' original contentions. For 10 of these contentions, FEMA's recommendations were in the form of suggestions, rather than directives, regarding possible changes to the Perry emergency public information brochure. For these contentions, FEMA did not require the licensees to immediately revise the 1988 brochure, but rather licensees were advised that they should consider making certain revisions in their next brochure. <sup>3/</sup> For five other

- 
- <sup>2/</sup> The original petition addressed the 1986 Emergency Preparedness Information Handbook (hereinafter referred to as the 1986 brochure) for the Perry Nuclear Power Plant. Shortly after the petition was filed, the licensees revised this handbook and published and distributed a new brochure which was in the form of a calendar (hereinafter referred to as the 1988 brochure). The FEMA memorandum of February 26, 1988 evaluated both the 1986 and the 1988 brochures. The EPA portion of the February 26, 1988 memorandum dealt with the petitioners' contentions regarding radiation and its health effects which FEMA had referred to EPA.
- <sup>3/</sup> In my opinion, the discretionary nature of FEMA's recommendations concerning these 10 contentions was appropriate since these contentions involved, for the most part, matters of personal preference and were not of significant regulatory concern.

contentions, FEMA affirmatively recommended that certain actions be undertaken by the licensees, to include several changes in the next brochure and in the emergency preparedness program for the facility. EPA's recommendations, which were included as an attachment to FEMA's February 26, 1988 memorandum, suggested that changes be made in the licensees' next brochure.

On August 31, 1988, the licensees answered the petitioners' third supplemental petition by denying the petitioners' right to incorporate by reference the FEMA and EPA regulatory correspondence. Nevertheless, the licensees agreed to comply with FEMA's recommendation to consider, in the next edition of the Perry brochure, the suggested revisions for the contentions designated by FEMA as being items which should be considered.

A discussion of the remaining contentions, FEMA's recommendations, and my decision follows.

## II. DISCUSSION

### A. CONTENTIONS BASED ON FEMA'S RECOMMENDATIONS CONCERNING THE EMERGENCY PREPAREDNESS BROCHURE

1. Whether the brochure should be made better available to blind persons.

The petitioners requested that the emergency preparedness public information brochure be available in braille. In response, FEMA commended the licensee for encouraging the reading of emergency material to blind persons, but also suggested that the licensee may want to consider, at the

next annual update of the handbook, other means of providing information to the visually handicapped such as large print, braille materials, audio cassette tapes, and other audio media.

The licensees have responded to this FEMA recommendation by pledging to hire an additional Public Information Officer who will develop additional methods of increasing the awareness of emergency information among those with disabilities. On the basis of the licensees' commitment, I conclude that this concern is resolved and that no action by the NRC is warranted.

2. Whether the nuclear facility should be referred to in the brochure as the Perry Power Plant.

The petitioners claimed that the brochure is misleading because the introductory letter to the handbook merely referred to the "Perry Power Plant" with no mention of the word "nuclear." FEMA agreed with petitioners that the facility could more appropriately be referred to as the "Perry Nuclear Power Plant." However, FEMA also stated that the Perry public information brochure already makes numerous references to establish that this facility is a nuclear power plant and that this small improvement would not justify revising and redistributing a new brochure.

The licensees have responded to FEMA's comments by pledging that preparation of the 1989 brochure will consider FEMA's recommendation that the licensees ensure that Perry is recognized to be a nuclear power plant. On the basis of the licensees' representation, I find that this issue is resolved.

3. Whether the addresses and phone numbers of emergency agencies should be added to the introductory letter of the brochure.

The petitioners also contended that the introductory letter of the brochure should include the addresses and phone numbers of emergency management agencies. FEMA responded that this information does appear in various sections of the brochure, but recommended that in future editions it be included in the introductory letter.

The licensees have stated that they will consider FEMA's recommendation. However, the licensees note that all relevant information about the various emergency management agencies is already consolidated in one place in the 1988 brochure on the back cover, a location they believe to be even more prominent than the introductory letter. Based on the licensees' representation that they will consider the FEMA recommendation and the fact that this information is already prominently displayed on the back cover of the calendar, I find that this issue is resolved.

4. Whether the operating hours of radio and TV stations should be graphically highlighted in the brochures.

The petitioners claimed that certain words and footnotes in the text of the brochure listing radio and TV stations should be graphically highlighted by larger lettering or underlining to emphasize those stations that have 24-hour operation. FEMA responded that the calendar was sufficiently informative in this area, as written, but noted that this was a matter the licensees could consider for their next annual brochure.

The licensees have responded that they will give further consideration to this recommendation in the preparation of their 1989 brochure. This issue is accordingly resolved.

5. Whether there is a need for battery-powered radios during radiological emergencies.

The petitioners further contended that the brochures should better emphasize the need for battery-powered radios during radiological emergencies. While recognizing that there is no Federal requirement for the use of such radios during radiological emergencies, FEMA noted that emphasis in the brochures of the potential usefulness of a well-maintained battery-powered radio (in the event of a power failure during an emergency) is something that the authors of future public information publications could consider.

In accordance with FEMA's recommendation, the licensees have stated that the preparation of the 1989 brochure will include consideration of petitioners' request regarding battery-powered radios. Accordingly, this issue is resolved.

6. Whether the brochures should be more descriptive concerning the level of radioactive material developed in the production of electricity and its possible health effects on people.

The petitioners objected to a statement in the brochure that members of the public have not been injured by nuclear power, and they requested that a statement be substituted indicating that nuclear power is potentially extremely dangerous. FEMA has recommended that the petitioners' suggestion can be considered by the licensees during the next annual

revision of the brochure. The licensees have agreed, and this issue is accordingly resolved.

7. Whether the brochure should be corrected and improved concerning its advice on evacuation.

The petitioners also complained about inadequate evacuation advice in the brochures. With regard to this advice, FEMA had two recommendations. First, it recommended that instructions be more consistent, since on page 6 of the 1988 brochure residents are instructed to leave when advised and proceed to a care center, whereas on page 7 residents are told that they can go to a place of their choice, e.g., a friend or relative or a care center. Second, FEMA recommended that the next annual update of the brochure include a statement that hospitals and nursing homes can be contacted to learn where patients can be picked up in the event they are evacuated from these facilities.

Because these are FEMA recommendations, rather than just suggestions, that are needed to adequately instruct the public about appropriate actions in the event of an evacuation, the licensees will be advised to make these corrections in the next annual update of the brochure.

8. Whether the brochure should include better instructions on the care of farm livestock during a radiological emergency.

The petitioners also claimed that the section of the 1986 brochure on the care of livestock in an emergency was deficient. In its review of the 1988 brochure, FEMA noted numerous changes from the 1986 brochure that it believed should have eliminated most of the petitioners' contentions

regarding the livestock section. Although FEMA did not specify any remaining issues, it noted that the exact wording of this section can be addressed by the utility and appropriate State and local governments during the next annual revision.

Pursuant to FEMA's comments, the licensees have stated that consideration will be given to FEMA's views in the preparation of the 1989 brochure. This issue is thus resolved.

9. Whether the fold-out map in the brochure is too cumbersome.

Petitioners claimed that the fold-out map attached to the brochure is too cumbersome. FEMA disagreed, and concluded that the size of the map is a matter of personal preference. However, FEMA suggested that this issue could be examined by the authors of the brochure for their next annual revision.

Based on FEMA's recognition that the size of the map is a matter of personal preference, this contention is not a regulatory concern. Nevertheless, the licensees have agreed to consider this issue in their preparation of the 1989 brochure. This contention is therefore resolved.

10. Whether the brochure should better describe the amount of radioactive material developed in the production of electricity and the possible health effects on people near the Perry facility in the event of an accident.

The petitioners requested that several sentences be deleted from the 1986 brochure which stated that nuclear plants have been making electricity for over 25 years with no member of the public having been

injured. Although FEMA did not agree that this text should be deleted, it noted that the licensees can consider, during the next annual revision of their brochure, whether portions of the brochure "should better describe the level of radioactive material in the environment which is developed during the production of electricity and the possible health effects on people near the Perry facility if there is an accident at the facility."

The licensees have responded that consideration will be given to FEMA's views in their preparation of the 1989 brochure. On the basis of the licensees' representation, this contention is resolved.

11. Whether the brochure contains words or statements which tend to minimize the danger of nuclear power.

The petitioners recommended that the use of the word "unlikely" in a section of the 1986 brochure (in reference to the likelihood of an accident at the Perry facility) should be eliminated on the basis that it tends to minimize the need for emergency preparedness. This word was subsequently removed by the licensees from the 1988 brochure. In response to the petitioners' contention, FEMA acknowledged that the 1988 brochure no longer used this word, but also advised that "the rewrite of this section should address the concern of the 2.206 petition."

Based on the licensees' deletion of the word "unlikely" and the fact that FEMA has put the licensees on notice that consideration be given to the use of this type of language (i.e., words that tend to minimize the need for emergency preparedness) in the licensees' next brochure, I conclude that this contention has been adequately resolved.

B. CONTENTIONS BASED ON OTHER EMERGENCY PREPAREDNESS  
RECOMMENDATIONS MADE BY FEMA

1. Whether emergency planning for the Perry Nuclear Power Plant should be revised to ensure that receiving schools are not located close to the 10-mile Emergency Planning Zone (EPZ).

The petitioners contended that it is unsafe to allow receiving schools to be located close to the border of the 10-mile EPZ. FEMA's February 26, 1988 response expressed concern with the proximity of receiving schools to the EPZ boundary, and its April 19, 1988 response recommended that the State of Ohio, local jurisdictions, and the licensees should reexamine, within 4 months, this question with a goal of either arriving at a schedule for implementing plan changes or adopting a position on the issue. Subsequent discussions between officials from FEMA, the licensees, and the NRC established that FEMA's underlying concern regarding this issue was that school children might not be properly monitored and decontaminated under the existing receiving school arrangement.

To remedy the possible neglect of school children, the licensees have committed to revising county plans to ensure that monitoring and decontaminating services will be performed in the event of a radiological emergency. In addition, emergency procedures will be revised to ensure that parents will be promptly advised at the time of an emergency of the whereabouts of their children.

FEMA officials have advised the NRC staff that these actions by the licensees have resolved FEMA's concerns regarding this contention. No further action by the NRC is thus warranted.

2. Whether Lake and Ashtabula Counties should be required to install emergency information signs.

FEMA also recommended that emergency information signs should be installed in Lake and Ashtabula Counties within 4 months or a schedule should be provided for their installation. In response to FEMA's concerns, in the spring of 1988 the licensees posted public information signs in parks, campgrounds, beaches, and marinas in these counties. FEMA subsequently confirmed these postings through spot checks, and it has advised the NRC staff that its concerns are now satisfied.

3. Whether transients in the vicinity of the Perry facility are being furnished adequate emergency preparedness information.

The petitioners contend that transients in the vicinity of the Perry facility would not have adequate information because decals which were to be posted at hotels, motels, gasoline stations, and telephone booths were not widely in evidence during an inspection they made of the area. In response, FEMA has stated that proprietors of these businesses are free to refuse to post these decals or make other materials available despite a good faith effort on the part of the licensees to get the decals posted. FEMA nevertheless encouraged officials from the Perry facility and Ashtabula, Geauga, and Lake Counties to continue efforts with these proprietors so that more of them will make this information available.

Based on a pledge by licensees that they and local officials will continue their efforts in this area, I conclude that this contention is resolved.

4. Whether telephone directories in the vicinity of the Perry facility contain adequate emergency preparedness information.

The petitioners have reported that emergency preparedness information was inadvertently omitted from one of the telephone directories in the Perry area. FEMA has responded that this problem has been remedied by a special mailing that furnished this missing information to directory holders in the spring of 1988. In addition, FEMA recommended that efforts be made to ensure that this problem does not happen in the future.

The licensees have responded to FEMA's concerns by stating that their internal procedures have been formalized to ensure coordination with the various telephone companies so that emergency information for the Perry facility is not omitted. They also specifically report that the 1988-89 Ohio Bell directory for the Painesville area has been distributed and that it includes all pages of emergency information. Based upon these representations, I find that this issue is resolved and no action is warranted by this office.

C. CONTENTIONS BASED UPON EPA RECOMMENDATIONS CONCERNING THE EMERGENCY PREPAREDNESS BROCHURES

The petitioners further contended that the Perry emergency preparedness brochures encourage the public to become complacent about nuclear power by failing to properly distinguish between ionizing and non-ionizing

radiation. They claimed, in this regard, that the 1986 brochure inappropriately compares the radiation that can be emitted during an accident at a nuclear power plant, which would be a form of ionizing radiation, with nondangerous, nonionizing radiation such as heat, light, and radio waves. They also contended that the brochure falsely asserts that radiation doses less than 25 rem are harmless.

Because of EPA's expertise in the area of radiation and its health effects, these contentions were referred by FEMA to EPA for reply. EPA subsequently recommended certain revisions to the brochure (see attachment to FEMA's February 26, 1988 memorandum), but concluded that no immediate revisions were necessary since the present brochure would not have compromised implementation of emergency plans.

The EPA's recommendations have been fully addressed in my September 16, 1988 Partial Director's Decision (DD-88-15). (See Decision at pp. 9-11 and fn. 6 at pp. 11-12.) Based upon my findings and directives in that decision, the petitioners' radiation contentions have been resolved.

### III. CONCLUSION

The petitioners seek certain specified improvements in the emergency preparedness program for the Perry Nuclear Power Plant. For the above-discussed reasons, I find no substantial basis for requiring most of these actions. However, the licensees will be advised that for their next public information publication they should make the clarifications

discussed in item A.7 above. To the extent this relief grants some of the petitioners' requests, the petition is granted.

As provided in 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary of the Commission for the Commission's review.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "Thomas E. Murley". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 29th day of November 1988.

U.S. NUCLEAR REGULATORY COMMISSION  
DOCKET NOS. 50-440, 50-441  
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.  
PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2  
ISSUANCE OF FINAL DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued a final director's decision concerning a petition dated September 22, 1987, filed by Ms. Connie Kline, Ms. Theresa Burling, Mr. Russ Bimber, and Mr. Ron O'Connell, on behalf of Concerned Citizens of Lake County, Concerned Citizens of Geauga County, and Concerned Citizens of Ashtabula County (petitioners). Supplements to the petition were submitted on October 8, 1987, and April 8 and July 25, 1988. Among other things, the petitioners requested that the NRC issue an order to the Cleveland Electric Illuminating Company, et al., to correct alleged deficiencies in a public information handbook on emergency planning for the Perry Nuclear Power Plant. The petitioners alleged that this handbook contained false and misleading information concerning nuclear power and nuclear accidents at power plants that was likely to persuade those reading it to minimize or disregard the need for emergency planning.

The Director has now determined that most of the petitioners' requests in their July 25, 1988 supplemental petition should be denied for the reasons explained in the "Final Director's Decision Under 10 CFR 2.206" (DD-88-19), which is available for inspection in the Commission's Public Document Room, 2120 L Street N.W., Washington, D.C. 20555, and at the local Public Document

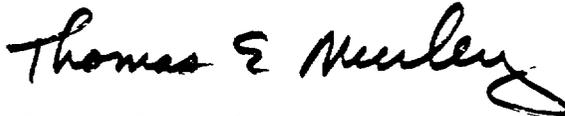
8812020154 2pp.

Room for the Perry Nuclear Power Plant at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

A copy of the decision will be filed with the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Rockville, Maryland, this 29th day of November 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "Thomas E. Murley". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation