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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
THE CLEVELAND ELECTRIC	)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>et al.</u>	)	50-441
	)	
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

APPLICANTS' ANSWER IN SUPPORT OF  
NRC STAFF MOTION FOR SUMMARY DISPOSITION  
OF ISSUES 11 AND 12

On November 22, 1982, the Nuclear Regulatory Commission Staff ("Staff") filed a Motion for Summary Disposition of Issues 11 and 12. Applicants support the Staff's motion and agree that there is no genuine issue of material fact to be heard with respect either to Issue No. 11 or Issue No. 12.

Issue No. 11 states that:

The Environmental Impact Statement (EIS) accords too much weight to increased employment and tax revenues to the local community, factors which may not be weighed directly in the cost-benefit balance.

The Staff's motion and accompanying Affidavit of Brian J. Richter Concerning Issue 11 confirm that the indirect benefits to the local community which were listed in the Perry Nuclear Power Plant Draft Environmental Statement were not considered in the cost-benefit balance but were included only for informational purposes.

The Final Environmental Statement ("FES") for Perry also makes clear that these benefits were not considered. See FES at 6-3, footnote.

At any rate, the Staff's motion with respect to Issue No. 11 is moot. By Notice of Withdrawal of Issue No. 11, dated November 10, 1982, Sunflower Alliance Inc., et al. ("Sunflower") has removed Issue No. 11 as a contention in this proceeding. Sunflower's Notice agrees that "the Final Environmental Statement eliminates the issue." In view of Sunflower's withdrawal of the contention, the Staff's motion for summary disposition of Issue No. 11 is, strictly speaking, unnecessary.

Issue No. 12 states:

The Final Environmental Statement for the Perry Nuclear Power Plant is deficient because it has not adequately considered the economic effects of serious nuclear accidents, using a technique similar to that used in NUREG/CR-2591.

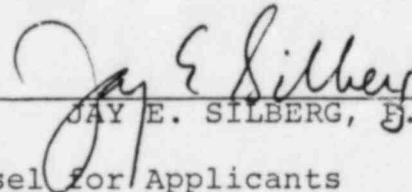
The Staff's motion and the Affidavit of Brian J. Richter Concerning Issue 12 explain that NUREG/CR-2591 is a preliminary study utilizing an economic model which is neither reliable nor comprehensive, and that the document does not offer an adequate, let alone superior, alternative to the CRAC model used for the Perry FES. The Richter Affidavit also states that employing the methodology of NUREG/CR-2591 would not significantly affect the cost-benefit conclusions of the Perry FES. Thus, there are no genuine issues of material fact regarding the contention.

For all of the above reasons, the NRC Staff Motion for  
Summary Disposition of Issues 11 and 12 should be granted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

BY:



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DATED: December 16, 1982.

December 16, 1982

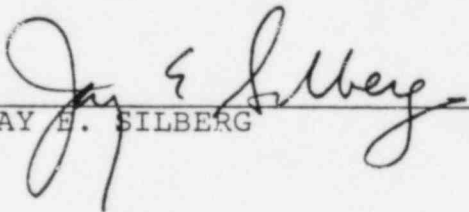
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer in Support of NRC Staff Motion for Summary Disposition of Issues 11 and 12" were served by deposit in the United States Mail, First Class, postage prepaid, this 16th day of December, 1982, to all those on the attached Service List.

  
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JAY E. SILBERG

DATED: December 16, 1982

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