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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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| In the Matter of |) | |
| |) | |
| THE CLEVELAND ELECTRIC |) | Docket Nos. 50-440 |
| ILLUMINATING COMPANY |) | 50-441 |
| |) | |
| (Perry Nuclear Power Plant, |) | |
| Units 1 and 2) |) | |

APPLICANTS' STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE
ISSUE TO BE HEARD ON CONTENTION GG

Pursuant to 10 C.F.R. § 2.749(a), Applicants state, in support of their Motion For Summary Disposition of Contention GG, that there is no genuine issue to be heard with respect to the following material facts:

1. In 1984, CEI conducted a study to determine the location of the Amish in northeastern Ohio, as a part of the Perry-Hanna transmission line proceedings. This study indicated that there is no Amish population within the Perry plume EPZ. Dugan Affidavit, ¶ 3.

2. The representatives of the planning commissions of Lake, Ashtabula, and Geauga Counties agencies are aware of no information indicating that there are any population groups within the plume EPZ which do not use radio and TV. In addition, local Councils of Churches as well as parish priests and

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various other ministers throughout the EPZ were contacted. None of these persons was aware of any people within the EPZ whose religious beliefs would preclude use of radio or TV. Dugan Affidavit, ¶¶ 4, 5.

3. In the event of an evacuation of the Perry EPZ, any persons without radio or TV would learn of the need for protective action. The public information brochure will include a special needs information card to be completed and returned to the respective County Disaster Services Agency by anyone who might need special assistance in an emergency. The special help categories on the card include persons without radio and persons without TV. In the event of an evacuation, special personal notification would be provided to those individuals -- if any -- who have indicated that they have no radio or TV. Dugan Affidavit, ¶ 6.

4. Public response to emergency information and warnings of impending disasters has been a topic of investigation by social scientists for almost three decades. Many studies have been performed on the subject in a variety of emergencies stemming from geological, climatological, and technological phenomena, and have been documented in a vast body of emergency literature. Mileti Affidavit, ¶ 2.

5. A clear conclusion of the decades of research is that people generally seek out additional information upon receipt of an initial warning, before acting on that warning. The end

result is that, historically, many people in emergencies have first received emergency information from other members of the public. There are two reasons why this is the case. First, emergency warning/public response is an evolving process; and, second, people generally do not respond to emergency warnings as individuals -- rather, emergency response is largely a group activity. Mileti Affidavit, ¶ 3.

6. The initial response of most people to a warning of an impending emergency is to seek out more information, and/or engage in additional communication with others in order to confirm the warning and information. Confirmation of warning information occurs in a variety of ways; people may turn to different radio or TV stations to hear the warning several times, check with friends and neighbors to ask if they heard the same message, and talk the situation over with others. As a result of this behavior, people become part of the warning dissemination effort, albeit informally, through social networking. Mileti Affidavit, ¶¶ 4, 5.

7. In the event of an emergency at the Perry plant, the seeking of confirmation would lead people to contact others who might or might not as yet have learned of the emergency. Similarly, people hearing sirens can naturally be expected to take steps to determine the reason for the use of the sirens, by turning to radio and TV and/or checking with friends or neighbors. Mileti Affidavit, ¶ 5.

8. In addition to the confirmation process carried out by the public, the public information brochure (and other media) will educate the public to tune to an Emergency Broadcast System ("EBS") radio or TV station when the sirens within the plume EPZ are sounded, to receive a message. Therefore, even if a household does not have a radio or TV, it will be aware of the need to seek additional information about the EBS message from friends or neighbors with TV or radio. Dugan Affidavit, ¶ 7.

9. Because emergency response is largely group behavior, emergencies transform the order of a community into one in which people act in more altruistic and caring ways than the day-to-day patterns of community life. In an emergency, neighbors, friends and family -- and even total strangers -- check on one another and offer assistance if it is needed. As a result, people will be in communication with other members of the public who might not as yet have learned of the emergency. Thus, people who have received notification of an emergency at Perry generally can be expected to notify those whom they have reason to believe may not have been informed of the nature of the emergency. Members of the public would be particularly likely to provide such notification to any discrete segments of the population known not to have access to emergency information on radio or TV (e.g., the Amish). Mileti Affidavit, ¶ 6.

10. The high level of activity which would be associated with an emergency at Perry would have a strong "ripple effect," generally alerting members of the public to seek additional information about the events taking place, even if they had not been directly warned by the official alert and notification system or another member of the public. In other words, the activities of other residents who have already received notification (turning on the lights in their homes, perhaps preparing to evacuate, or even the stream of traffic driving out of the 10-mile EPZ) would alert most members of the public who may not yet have been warned, and cause them to seek additional information about what is going on (for example, by talking to neighbors). Mileti Affidavit, ¶ 7.

11. Each of the offsite plans for the Perry EPZ includes a means for verifying that persons within the plume EPZ have received notification. Prior to fuel load, each household will be provided with a card stating "WE HAVE BEEN NOTIFIED." In the event of an emergency, members of the public would display the card, or tie a towel to the doorknob or mailbox, to indicate that they are aware of the need to take specific protection action. Any household not displaying the card or a towel

would be individually checked, and given the EBS message.

Dugan Affidavit, ¶ 8.

Respectfully submitted,



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