

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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) )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

AFFIDAVIT OF JOHN BAER  
ON CONTENTION C

County of Dauphin )  
 ) ss.  
Commonwealth of Pennsylvania )

JOHN BAER, being duly sworn, deposes and says:

1. I am presently Project Manager for Emergency Management Services, Energy Consultants, Inc. ("ECI"). My business address is 2101 North Front Street, Harrisburg, Pennsylvania 17110. In my position, I am project manager for offsite radiological emergency response planning being provided to Lake, Ashtabula and Geauga Counties with respect to the Perry Nuclear Power Plant. A current statement of my professional qualifications and experience is attached hereto. I have personal knowledge of the matters stated herein and believe them to be true and correct. I make this affidavit in support of Applicants' Motion For Summary Disposition of Contention C.

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§ B-2, p. B-1; § B-3, p. B-5; § B-6, p. B-7; Appendix 6.

b. Receiving recommendations from the Perry plant, the State, and other sources. See Lake County Plan at § A-05, pp. 24-25; § J-01, p. 118; Ashtabula County Plan at § A.3, p. A-3; § J.3, p. J-2; and Geauga County Plan at § A-5, p. A-3; § A-5, p. A-4.

c. Making protective action decisions for the public within their respective counties. See Lake County Plan at § A-05, pp. 24-25; Attachment A-7, p. 47-A; Ashtabula County Plan at § A.3, p. A-3; § B.3, p. B-2; § J.3, p. J-2; Appendices 6 and 7; and Geauga County Plan at § B-2, p. B-1; Appendix 4; Appendix 6.

d. Approving activation of the public alert/notification system within their respective counties. See Lake County Plan at § E-07, p. 61; Ashtabula County Plan at § E.4, p. E-2; and Geauga County Plan at § E-5, p. E-3.

e. Coordinating with appropriate state agencies to authorize relaxation of protective measures. See Lake County Plan at § M-02, p. 151; Ashtabula County Plan at § M-3, p. M-2; and Geauga County Plan at § M-3, p. M-2.

## II. Legal Basis For Plans

5. The State of Ohio, under Ohio law, vests the County Commissioners with the authority and responsibility to act as the officials in charge of emergency response. See State Plan,<sup>4/</sup> at § II.A.3.b(3)-(5), pp. II-A-04-05; Lake County Plan at § 1, p. 1; §§ A-07, A-08, pp. 27-28; Ashtabula County Plan at § B.5, p. B-4; and Geauga County Plan at § B-4, p. B-6.

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<sup>4/</sup> The State of Ohio Plan for Response to Radiological Emergencies at Licensed Nuclear Facilities (1984 ed.).

2. The purpose of this affidavit is to describe the clearly defined and consistent responsibilities and roles of the Lake, Ashtabula and Geauga County Commissioners when responding to an emergency at the Perry Nuclear Power Plant, and to note that their legal authority to act is set forth in the respective plans.

I. The Role of County Commissioners

3. The cited provisions of the radiological emergency response plans clearly and consistently define the role of the County Commissioners as including overall responsibility for local emergency operations. Although the emergency organizations among the three counties may differ, the responsibilities and roles of the County Commissioners in the three counties are parallel, as established by the emergency plans.

4. The County Commissioners in each of the three counties are charged with the following five responsibilities in radiological emergency response:

a. Direction and control of local emergency operations. See Lake County Plan,<sup>1/</sup> at § 5.1, p. 12; § A-05, p. 24-25; Attachment A-7, p. 47-A; Ashtabula County Plan,<sup>2/</sup> at § A.3, pp. A-2 to A-3; § B.3, p. B-2; Appendices 6 and 7; and Geauga County Plan,<sup>3/</sup> at § A-5, p. A-3;


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<sup>1/</sup> Lake County Emergency Response Plan for the Perry Nuclear Power Plant (Rev. 3, October 1984).

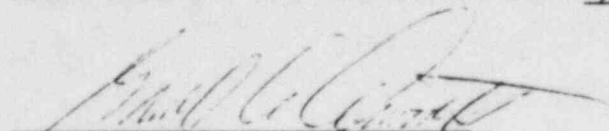
<sup>2/</sup> Ashtabula County Radiological Emergency Preparedness Plan (May 10, 1984).

<sup>3/</sup> Geauga County Radiological Emergency Response Plan (Change No. 2 dated July 1984).

6. In summary, the emergency plans clearly establish the consistent roles and responsibilities of the County Commissioners. Furthermore, they establish the legal authority of the County Commissioners to take the actions under the plan in the event of an emergency.

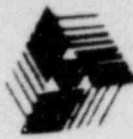
  
\_\_\_\_\_  
JOHN BAER

Subscribed and sworn before me this 3<sup>rd</sup> day of January, 1985.

  
\_\_\_\_\_  
Notary Public

My commission expires:

GERALD A. HANSHOFF, NOTARY PUBLIC  
HARRISBURG, DAUPHIN COUNTY  
MY COMMISSION EXPIRES MAY 3, 1987  
Member, Pennsylvania Association of Notaries



# ENERGY CONSULTANTS

Riverside Office Center 3 • 2101 N. Front St. • Harrisburg, PA 17110  
(717) 236-0031

Resume Current 01-11-85

JOHN W. BAER

## Education

- 1970 Post Graduate Study - Political Science  
American University  
Washington, D.C.
- 1966 Bachelor of Arts - Political Science  
Western Maryland College  
Westminster, Maryland

## Experience

1981 to Present

Energy Consultants  
Harrisburg, Pennsylvania

Project Manager, Emergency Management Services. Responsible for providing supervision and technical assistance to project staff. Assigned responsibility for emergency management planning, procedure preparation, personnel training, drill/exercise preparation, licensing support, and scheduling and coordinating project work with the client. Recent project assignments have included:

- managing the offsite radiological emergency preparedness programs for the Counties of Ashtabula, Geauga and Lake (Ohio) to support response to incidents at the Perry Nuclear Power Plant including establishing operational readiness of county emergency operations centers, offsite drill and exercise preparation and ASLB hearing support;
- managing the offsite radiological emergency preparedness re-training program to support response to incidents at the Waterford 3 Steam Electric Station;
- coordinating the offsite radiological emergency preparedness program to support response to incidents at the Callaway Plant including direct responsibility for revision of the Missouri State

Nuclear Accident Plan and associated local radiological emergency response plans, preparation of affidavits to support motions for summary disposition of licensing contentions, development of local RERP implementing procedures, establishing operational readiness of local emergency operations centers, development of emergency response training programs for local EOC staff officers and emergency workers, and development/conduct of the offsite drill and exercise program;

- evaluating and preparing revisions to the station and offsite radiological emergency preparedness plans in support of the Palo Verde Nuclear Generating Station;
- development of the Louisiana Office of Emergency Preparedness implementing procedures and lesson plans for training of state, parish and local emergency response personnel in support of the Waterford 3 Steam Electric Station; and
- preparation of lesson plans and conduct of training programs for state, county and local emergency response personnel in support of the R. E. Ginna Nuclear Station.

1973 to 1980

Southcentral Regional Planning Council  
Harrisburg, Pennsylvania

Director. Responsible for administration of an eight-county planning and evaluation program for the Commonwealth of Pennsylvania. Assisted local governments in planning and development of criminal justice/emergency response communications and automated information systems. Developed and revised training courses in data analysis for use by planning and operational personnel at the state and local government level. Assisted with delivery of six 35-hour training sessions for criminal justice personnel within a ten-state region. Developed and conducted practical group exercises for course participants.

Planner (1973 to 1978). Assisted local governments in planning and development of a range of criminal justice programs, criminal justice system communications and automated information systems.

John W. Baer  
Page 3

1971 to 1973

Lord Fairfax Planning District Commission  
Front Royal, Virginia

Planner. Performed general planning tasks, including criminal justice and emergency response planning for a five-county region of Northern Virginia.

1966 to 1968

U.S. Department of Defense  
Fort Meade, Maryland

Security Specialist. Evaluated security measures for a federal security agency. Provided recommendations for security requirements. Top secret/crypto security clearance.

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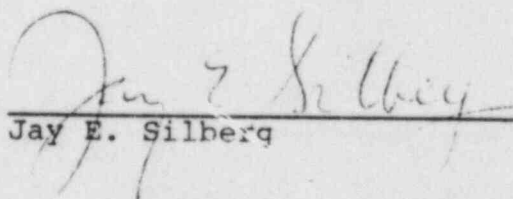
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion For Summary Disposition of Contention C," "Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard on Contention C," and "Affidavit of John Baer on Contention C," were served this 1st day of February, 1985, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List, except for those parties identified by asterisk who were served by express mail.

  
Jay E. Silberg

Dated: February 1, 1985



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