

February 5, 1985

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
FRANCH

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 B

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

1. Potential evacuation route impediments (such as snow and disabled vehicles) have been identified and considered in offsite plans for the Perry plume exposure pathway Emergency Planning Zone ("EPZ"). Affidavit of Gary Winters on Contention B ("Winters Affidavit"), ¶ 2.

2. As indicated in the offsite plans and procedures, resources such as tow trucks and snowplows are utilized to keep evacuation routes clear. Winters Affidavit, ¶ 2.

3. The Evacuation Time Estimate study includes an appendix devoted specifically to consideration of route impediments such as traffic accidents and disabled vehicles. Affidavit of Scott McCandless on Contention B ("McCandless Affidavit"), ¶ 4.

4. The Evacuation Time Estimate study specifically considers the effects of a snowstorm on evacuation. McCandless Affidavit, ¶ 3.

5. The jurisdictions within the EPZ are particularly well prepared to handle snow. Because the agencies charged with responsibility for snow removal within the EPZ are equipped and staffed to keep the roads passable in a normal "snowbelt" snowfall, normal snow conditions require no special consideration in emergency planning for the Perry EPZ. Winters Affidavit, ¶ 3.

6. Most of the road departments within the plume EPZ could keep roads passable with no assistance even during a blizzard. Winters Affidavit, ¶ 4.

7. In the unlikely event of an emergency at Perry during a blizzard, the resources of all road departments throughout Lake, Ashtabula, and Geauga Counties would be made available to augment the resources of any road departments within the plume EPZ which might need assistance in keeping roads passable. With the assistance of these road departments from outside the EPZ, the few road departments within the EPZ which may need assistance will have sufficient snow removal resources to keep the roads clear in a blizzard. Winters Affidavit, ¶ 4.

8. Under particularly inclement weather conditions (i.e., snow accompanied by high winds), only the downwind sector of the EPZ is likely to be affected by an emergency at Perry. Therefore, should evacuation be indicated in such conditions, the snow removal resources of the three counties could be concentrated on the sector of the EPZ to be evacuated. Winters Affidavit, ¶ 4, n.5.

9. Even a partial survey of road departments within the three counties reveals an impressive inventory of snow removal equipment, and additional snow removal equipment is available locally from other road departments in the three county area which were not surveyed. Winters Affidavit, ¶ 5.

10. Still more snow removal equipment (if needed) would be provided from outside the three counties through the Ohio Department of Transportation. Winters Affidavit, ¶ 6.

11. The evacuation of construction workers has been included in emergency plans. Affidavit of Daniel D. Hulbert on Contention B ("Hulbert Affidavit"), ¶ 2.

12. The Perry Emergency Plan specifically provides that all personnel without emergency response functions are evacuated on a Site Area or a General Emergency. Implementing procedures provide for evacuation of such personnel on a Site Area Emergency. Hulbert Affidavit, ¶ 2.

13. Construction workers on-site do not have an emergency response function and would therefore be evacuated on a Site Area Emergency. Hulbert Affidavit, ¶ 2.

14. The Perry emergency plan describes the routes to be used by non-essential personnel in evacuating the site. Hulbert Affidavit, ¶ 2.

15. The Evacuation Time Estimate study for the plume exposure pathway emergency planning zone around the Perry facility explicitly includes the evacuation of on-site construction workers. Affidavit of Scott McCandless on Contention B, ¶ 5.

16. Blizzard conditions would be accompanied by high winds which would be the most favorable conditions for rapid dispersion of a radioactive plume. Such rapid dispersion would greatly reduce any dose to the public. Affidavit of Richard R. Bowers on Contention B ("Bowers Affidavit"), ¶ 3.

17. NRC regulations, NRC/FEMA guidance and EPA studies recognize a range of protective actions, including sheltering, Id., ¶¶ 4, 5.

18. EPA has recommended sheltering when the projected dose exceeds the Protective Action Guide ("PAG") by more than a few-fold and timely evacuation is not feasible. EPA also has recommended shelter where the projected dose does not exceed the PAG by more than a few fold. EPA 520/1-78-001, Pt. II at 53; Bowers Affidavit, ¶ 5.

19. Shelter can provide significant dose savings, both from cloud exposure and from radioiodines and particulates. Respiratory protection can provide further dose savings. Bowers Affidavit, ¶¶ 6-8.

20. The likelihood of extreme winter conditions is very remote. Snowfalls in excess of 12 inches occur in the plume EPZ about 0.2 mean days per season. Such snowfalls with high winds would undoubtedly be even less frequent. Winters Affidavit, ¶ 7.

21. For snowfalls of eight inches or less, County and State road departments can keep roads passable with existing resources. Winters Affidavit, ¶ 8.

22. For "worst case" weather conditions, all evacuation routes can be kept open without resources from outside the three counties by marshalling the available resources within these counties. Winters Affidavit, ¶ 8.

23. In the few cases of winter storms where some roads were snowed in for a few days, there had been no attempt to marshal available resources to clear a particular area. Winters Affidavit, ¶ 9.

24. Neither the likelihood of a severe reactor accident nor its consequences would be significantly reduced if the reactor were required to go to low power or no power operation during periods of extreme conditions of inclement weather. Affidavit of Kevin Holtzclaw on Contention B ("Holtzclaw Affidavit"), ¶ 2.

25. The likelihood of an accident sequence with the potential for core damage and fission product release is essentially the same, independent of full, low or no power level within the first day following extended full power

operation. This is because the ability of water delivery systems to supply adequate core cooling is not affected by low or no power operation. Holtzclaw Affidavit, ¶ 4.

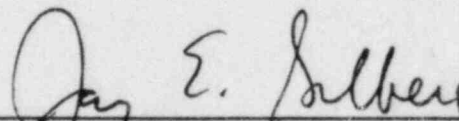
26. The likelihood of accident progression is not reduced by a decrease in core power because the contributors to the progression of severe accident sequences have no dependence on reactor power level. Holtzclaw Affidavit, ¶ 5.

27. Fission product inventories are essentially unchanged at low power as compared to full power because the reactor remains critical. Holtzclaw Affidavit, ¶ 6.

28. Fission product inventories do not change appreciably within a period from 2 to 8 hours even after going to a "no power" condition. It takes about 4-6 hours to achieve a no power operation from full power. Holtzclaw Affidavit, ¶ 3, 6.

29. Fission product inventory is relatively insensitive to time after shutdown. Holtzclaw Affidavit, ¶ 6 and attached graph.

Respectfully submitted,



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DATED: February 5, 1985