

January 30, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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 DD

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

1. The Emergency Operations Facility ("EOF") for the Perry Nuclear Power Plant ("PNPP") is located approximately 1,970 feet from the Unit 1 reactor building and about 1,800 feet from the Unit 2 reactor building. Affidavit of Daniel D. Hulbert on Contention DD ("Hulbert Affidavit"), ¶ 3.

2. The PNPP EOF is located about 1,500 feet beyond the security boundary for Unit 1 and 1,200 feet from where the security boundary for Unit 2 will be after construction of Unit 2 is completed. Hulbert Affidavit, ¶ 4.

3. The only NRC guidance on the minimum distance that an EOF should be from a nuclear power plant is contained in Generic Letter No. 82-33, Supp. 1 to NUREG-0737 (December 17, 1982), which states that an EOF should be beyond the plant security boundary. Hulbert Affidavit, ¶ 4.

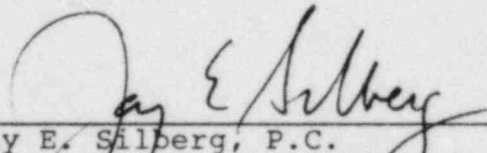
4. NRC documents NUREG-0814 and NUREG-0696 do not recommend that an EOF be located off-site, but provide criteria for EOF locations within 10 miles from the plant and beyond 10 miles from the plant. Hulbert Affidavit, ¶ 5.

5. Specific Commission approval of an EOF location is only required if the EOF is beyond 20 miles from the plant. Hulbert Affidavit, ¶ 5.

6. County decision-makers do not come to the EOF in the event of an accident at PNPP, but convene in their respective county emergency operation centers. Hulbert Affidavit, ¶ 6.

7. The PNPP EOF is located consistent with NRC criteria and guidance. Hulbert Affidavit, ¶ 7.

Respectfully submitted,



Jay E. Silberg, P.C.
SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

Counsel for Applicants

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