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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  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
CLEVELAND ELECTRIC ILLUMINATING )  
COMPANY, ET AL. )  
(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket No. 50-440 OL  
50-441 OL

NRC STAFF RESPONSE TO APPLICANT'S MOTIONS  
FOR SUMMARY DISPOSITION OF EMERGENCY PLAN ISSUES

I. INTRODUCTION

By motions dated January 30, February 1, and February 5, 1985, the Cleveland Electric Illuminating Company, et al. (CEI or Applicants) requested the Atomic Safety and Licensing Board (the Board) to grant summary disposition of eighteen emergency plan issues. The NRC Staff hereby files its response in support of the Applicants' motions.

II. BACKGROUND

Issue #1, which alleged deficient offsite emergency plans, was admitted to the proceeding in 1981. <sup>1/</sup> Subsequently, the sponsor of the contention, Sunflower Alliance, Inc. (Sunflower), submitted thirty-eight

1/ Cleveland Electric Illuminating Co. et al. (Perry Nuclear Power Plant, Units 1 and 2), LBP-81-24, 14 NRC 175, 189 (1981).

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issues as particularization of the general contention.<sup>2/</sup> Applicants filed a motion, supported by NRC Staff, for dismissal of the particularized issues, which the Board denied, for 18 issues and granted, for 20 issues.<sup>3/</sup> The Applicants' recent motions request summary disposition of the eighteen particularized emergency plan issues admitted by the recent Board Order. These issues are designated Contentions A, B, C, G, H, I, J, M, O, P, Q, U, Z, BB, CC, DD, GG, and JJ.

### III. DISCUSSION

#### A. Legal Standards for Summary Disposition

The Commission's Rules of Practice provide for summary disposition of certain issues on the pleadings where the filings in the proceeding show that there is no genuine issue as to any material fact and that the movant is entitled to a decision as a matter of law. 10 CFR § 2.749(d).

Use of summary disposition has been encouraged by the Commission and the Appeal Board to resolve contentions where the intervenor has failed to establish that a genuine issue exists.<sup>4/</sup> Under the Commission's rule

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<sup>2/</sup> Sunflower Alliance's Particularized Objections to Proposed Emergency Plans in Support of Issue No. 1, August 20, 1984 (Objections).

<sup>3/</sup> Memorandum and Order (Admissibility of Contentions on Emergency Plans and Motion to Dismiss), January 10, 1985.

<sup>4/</sup> Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 & 2), CLI-73-12, 6 AEC 241 (1973), aff'd sub nom, BPI v. Atomic Energy Commission, 502 F.2d 424 (D.C. Cir. 1974); Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 550 (1980). See also, Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 NRC 452, 457 (1981).

authorizing summary disposition, as in Rule 56 of the Federal Rules of Civil Procedure, the issue may be summarily disposed only where no genuine issue remains for trial when the record is viewed in the light most favorable to the party opposing the motion.<sup>5/</sup> Consequently, the burden of proof lies upon the movant for summary disposition who must demonstrate the absence of any genuine issue of material fact.<sup>6/</sup> A material fact is one that may affect the outcome of the litigation.<sup>7/</sup>

However, where no evidence exists to support a claim asserted, the Commission has made clear that intervenors must show that a genuine issue exists prior to hearing, and if none is shown to exist, the Board may summarily dispose of the contentions on the basis of the pleadings.<sup>8/</sup> This obligation of intervenors is reflected in 10 CFR § 2.749(b) which states that:

[w]hen a motion for summary disposition is made and supported as provided in this section, a party opposing the motion may not rest upon the mere allegations or denials of his answer; his answer by affidavits or as otherwise provided in this section must set forth specific facts showing that there is a genuine issue of fact. If no such answer is filed, the decision sought, if appropriate, shall be rendered.

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<sup>5/</sup> Cleveland Electric Illuminating Co. et al. (Perry Nuclear Power Plant, Units 1 & 2), ALAB-443, 6 NRC 741, 753-54 (1977); Poller v. Columbia Broadcasting System, Inc., 368 U.S. 464, 467 (1962).

<sup>6/</sup> Adickes v. Kress and Co. 398 U.S. 144, 157 (1980); Perry, ALAB-443, supra, at 753; 10 CFR § 2.732.

<sup>7/</sup> Mutual Fund Investors Inc. v. Putnam Management Co., 553 F.2d 620, 624 (9th Cir. 1977).

<sup>8/</sup> Prairie Island, CLI-73-12, supra at 242.

The Staff submits that the documents of record, the affidavits and statements of material facts submitted in support of Applicants' motions, along with the affidavits of a member of NRC's emergency preparedness division and a FEMA representative, provided with Staff's response, demonstrate there is no genuine issue of material fact raised by any of the eighteen contentions concerning the emergency plans for the Perry Nuclear Power Plant. Accordingly, no issue exists for litigation on this subject, as discussed below.

B. The Issues

Because of the large number of issues subject to Applicants' separate motions, the Staff will, for ease of reference, set out for each issue a summary of Applicants' motion and follow with the NRC Staff and FEMA response.

Contention A: Evacuation time estimates have not been reviewed by state or local organizations and adverse weather conditions have not been considered.

Sunflower's original Contention A cited as bases for these assertions deficiencies in the onsite plan noted in the SSEP #4, particularly Applicant's failure to estimate evacuation time during a Sunday thunderstorm in the summer boating season and Applicant's failure to obtain comments on evacuation time estimates from local emergency response officials. Objections, pp. 2-3.

Applicants' motion on this issue refers to the Commission's regulation in 10 CFR Part 50, App. E § IV which requires time estimates for evacuation of the plume exposure pathway Emergency Planning Zone,

and NUREG-0654, <sup>9/</sup> Criterion J.10.1 and Appendix 4 guidance for studies of evacuation time. Motion, pp. 4-5. Applicants note that NUREG-0654, Appendix 4 indicates evacuation times for normal and adverse conditions common to the area should be analyzed, and that comments on the estimates should be solicited from State and local organizations. Motion, p. 5. Applicants assert they have complied with this standard because State and nearby county emergency response officials have commented on, and were consulted in the development of, the evacuation time estimates (ETE) performed by the HMM Company for the Perry site. McCandless Affidavit ¶¶ 3-5. Applicants state that formal comments by State and local officials will be provided to NPC in a revision of the ETE to reflect the comments. Id., ¶ 6. Additionally, Applicants assert that various adverse evacuation conditions, including effects of a summer Sunday thunderstorm, are considered in the ETE contained in the PNPP Emergency Plan, Rev. 3, Appendix D. Id., ¶ 7.

#### NRC/FEMA Response

The Staff's affiant, Donald Perrotti, reviewer in the Emergency Preparedness Division of OIE for the PNPP emergency plan (EP), also attests that the ETE contained in Revision 3 of the PNPP emergency plan both (1) indicates consultation with offsite officials and (2) addresses adverse weather conditions during evacuation, including a summer Sunday thunderstorm. (Perrotti Affidavit ¶¶ 4-6). Mr. Perrotti also states

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<sup>9/</sup> "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG-0654/FEMA-REP-1, Rev. 1, 1980.

that based on his review of the PNPP-EP he concludes the plan meets all NUREG-0654 App. 4 guidance for ETE. Id., ¶ 7. Additionally, the affidavit of Robert Shapiro, the FEMA reviewer of offsite emergency plans for PNPP, explains that the emergency plans for the State of Ohio and three counties surrounding PNPP (Lake, Geauga, and Ashtabula) contain evacuation time estimates for various adverse weather conditions sufficient to provide reliable guidance to officials during an emergency at Perry. Shapiro Affidavit, ¶¶ 5-6.

Therefore, since Sunflower's issue rested on reference to deficiencies noted in SSER #4 which have been corrected by a recent revision to the PNPP emergency plan, as demonstrated by affidavits by the NRC Staff reviewer, and an employee of the HMM Company which prepared the ETE for the Perry plant, and FEMA's representative attests to the adequacy of offsite ETEs, there is no genuine issue of material fact concerning this contention and Applicants' motion for summary disposition of Issue A should be granted.

Contention B: (1) Evacuation route impediments have not been identified or considered, (2) neither has evacuation of construction workers onsite, nor (3) has a low or no power operation at Perry during extreme conditions of inclement weather been included in the plans.

The Applicants reference two NUREG-0654 Criteria: (1) J.10.k, which recommends identification of and means for dealing with potential evacuation route impediments and (2) J.4, which provides guidance for evacuation of onsite nonessential personnel in case of a site or general emergency. Motion, pp. 4-5. Applicants assert that potential route impediments, including deep snow, as specified by Sunflower's discussion

of this issue, and resources to deal with these impediments have been identified in offsite emergency plans (Winters Affidavit ¶¶ 2-6) and that the PNPP-ETE contains an appendix devoted to consideration of evacuation route impediments. McCandless Affidavit, ¶ 4. Applicants also point out the procedures in the PNPP-EP, Section 6.4.1, for evacuation of nonessential personnel from the site (Hulbert Affidavit ¶ 2) as well as evacuation time estimates for personnel evacuation. McCandless Affidavit, ¶ 5. Finally, Applicants contend there is no reason to restrict the operation of the Perry plant during heavy snowfall as alleged by Sunflower because the snow removal equipment available locally can keep evacuation routes open during a twelve inch snowfall, and other snow removal equipment from more distant counties could be used in case of an unusually heavy snow. Winters Affidavit ¶¶ 7-8. Applicants also state that (1) evacuation during inclement weather is not the only available protective action; (2) the high winds associated with blizzards would rapidly disperse a radioactive plume so that sheltering would be the most effective protection in this situation (Bowers Affidavit, ¶¶ 3-8) and (3) because of the slow rate of decay of fission products, no significant reduction in accidental releases would result from a restriction of Perry operation to low or no power during extreme weather conditions within the first day following full power operation. Holtzclaw Affidavit.

NPC/FEMA Response

Mr. Perrotti verifies Applicants' assertions that (1) the PNPP-EP addresses route impediments such as snow, (2) evacuation may not be the appropriate protective action during extreme weather; and (3) the PNPP-EP

addresses evacuation of site personnel. He also points out that there is no regulatory basis for restricting plant operation during adverse weather. Perrotti Affidavit ¶¶ 9-11. Mr. Perrotti offers his opinion that the PNPP-EP adequately considers evacuation of plant construction workers, and adequately identifies possible route impediments, including adverse weather conditions. Id., ¶ 12.

In addition, FEMA's representative, Mr. Shapiro, explains that the State and county emergency plans adequately provide for monitoring evacuation routes for any impediments by the Traffic Control Officer in the EOC (Emergency Operations Center) as well as representatives of local police, and fire departments, the Sheriff's department and State Highway patrol who will be stationed in the EOC and at designated points along the evacuation routes, and that a large amount of snow removal equipment is available. Shapiro Affidavit, ¶¶ 8-9.

In short, the affidavits and references provided by Applicants, NRC Staff and FEMA, demonstrate that (1) the onsite and offsite emergency plans for PNPP sufficiently account for potential evacuation route impediments, including heavy snowfall; (2) the PNPP-EP provides sufficient procedures for evacuation of onsite personnel and (3) there is no basis in fact or regulation for restricting operation of PNPP during extreme conditions of inclement weather. Since Applicants and Staff have demonstrated that no genuine issue of material fact underlies the assertions in Contention B, Applicants' motion for summary disposition should be granted.



Contention C: Emergency plans do not contain a consistently defined role for County Commissioners during an emergency nor is their legal authority to act as required.

Applicants refer to 10 CFR § 50.47(b)(1) as the legal standard relevant to the issue, and NUREG-0654 Criteria A.2.a and A.2.b. which deal with assignment of responsibility for local emergency response functions and the legal basis for the authority for the proposed actions. Motion, p. 4. Applicants reference certain sections of the three nearby County emergency plans which Applicants assert define parallel and consistent roles of the County Commissioners in the three counties. Baer Affidavit, ¶¶ 3-4. Applicants also point to sections of the three counties' plans which expressly state the authority under Ohio law, provided to county officials to take action during emergencies. Id., ¶ 5.

NPC/FEMA Response

Mr. Shapiro of FEMA states that the three counties' plans assign the County Commissioners similar responsibilities to direct actions of county agencies during an emergency and that the Ohio Revised Code Sections 5915.10 and 5915.99 provide the legal authority for the actions described. Shapiro Affidavit, ¶ 12. The coordination of emergency response activities is also described in paragraph 10 of the Ohio Disaster Services Agency letter attached to FEMA's Interim

Report. <sup>10/</sup> This letter describes in general, the coordination of State and local decisions during a radiological emergency. The letter states:

The State of Ohio Radiological Emergency Response plan provides details of the information to be provided to the general public in the EPZ. Specifically, this calls for a recommendation of protective action by the utility to local government officials and to the State of Ohio. The state is required to make an independent assessment of the conditions and make a separate recommendation to local government. Local government officials will then consider the recommendations made by the utility and the state, and if a protective action is warranted, will notify the people [by means of sirens and the emergency broadcast system]."

Based on the affidavits of Applicants and FEMA, it is clear that Contention C incorrectly describes information contained in the Counties' emergency plans. An examination of the sections of the plans referenced in the affidavits, and the referenced letter from the Ohio DSA demonstrate that the emergency response roles for the County Commissioners are clearly defined and provide for consistent actions which are authorized by Ohio State law and coordinated by the Ohio Disaster Services Agency. Therefore, the Applicants and Staff have shown there is no genuine issue of material fact to be litigated concerning Contention C and it should be summarily dismissed.

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<sup>10/</sup> Interim Report on Offsite Radiological Emergency Planning for the Perry Nuclear Power Station, Federal Emergency Management Agency, February 6, 1984, Attachment F.

Contention G: Emergency plans should include the availability of potassium iodide (KI) for emergency workers and the public.

Sunflower asserted in submission of this issue that the Ohio Department of Health decision not to distribute KI during a nuclear emergency violates 10 CFR § 50.47(b)(10) and NUREG-0654. Objections, p. 11.

Applicants point out that § 50.47(b)(10) only requires development of protective actions consistent with Federal guidance, but that NUREG-0654 Criteria J.10.e and J.10.f. recommend that offsite emergency plans provide for use of radioprotective drugs for emergency workers and institutionalized persons, and for the public as determined by the State Health Department. Motion, p. 5. Applicants assert that the regulatory position on use of KI has changed since NUREG-0654 issued, and refer to the Callaway <sup>11/</sup> decision where the Appeal Board concluded that decisions for offsite distribution and use of KI rests with State and local health authorities. Motion, pp. 5, 6-7. Applicants reference several scientific studies which question the safety of use of KI. Mauro Affidavit, ¶¶ 9-10, 29-30. Applicants note the FDA has not recommended use of KI but has approved its safety and effectiveness if properly used. Id., ¶ 19-21. Applicants state the Ohio Department of Health decision not to provide KI to emergency workers and the public during a radiological emergency, is under review. Miraldi Affidavit, ¶¶ 2-3.

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<sup>11/</sup> Union Electric Co. (Callaway Plant, Unit 1), ALAB-784, 18 NRC 1333, 1335 (1983).

NRC/FEMA Response

The Staff affiant attests that NRC emergency planning regulations do not require use of radioprotective drugs (such as KI) since other means of exposure control can be used, and NUREG-0654 is a regulatory guide which does not require compliance. <sup>12/</sup> Perrotti Affidavit, ¶¶ 14-15. However, the PNPP-EP does contain provisions for distribution of KI for onsite individuals. Id., ¶ 16.

FEMA's representative explains that the three nearby county emergency plans indicate the Ohio Department of Health has decided against distribution of KI for Ohio emergency workers and the general public and it is FEMA's policy that use of KI is a State decision, so that the offsite emergency plans are not deficient in this regard. Shapiro Affidavit, ¶¶ 14-17. A November, 1984 memorandum from the Chairman of the Federal Radiological Preparedness Coordinating Committee, provided with this response, acknowledges that decisions for use of KI rests with States and local authorities.

In summary, the affidavits and supporting documents submitted by Applicants, NRC Staff, and FEMA, and the Callaway decision, supra, demonstrate (1) there is no requirement for distribution of KI (2) the recommendation in Criterion J.10.e of NUREG-0654 provides guidance for decisions by States and local governments; (3) the State of Ohio has determined that KI will not be used for offsite emergency workers,

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<sup>12/</sup> The Appeal Board in Callaway pointed out that NUREG-0654 is not a regulation, but guidance for development of emergency plans. ALAB-784, supra at 1334. See also: NUREG-0654, p. i.

institutionalized persons or the general public and has provided that determination in the offsite emergency plans, and (4) the onsite emergency plan does contain provision for KI distribution to onsite individuals.

Therefore, the onsite and offsite emergency plans comply with NRC regulations and FEMA policy concerning decisions by officials for the use of KI and thus, no genuine issue of material fact exists to support litigation of Contention G. The Applicants' motion for summary disposition of this issue should be granted.

Contention H: Inconsistent provisions in local emergency plans concerning radiation exposure levels for emergency workers and the non-availability of respirators evidences an inability to provide protection to such workers in the event of a major radiation leakage.

Sunflower's bases for this contention referenced (a) the EPA Protective Action Guidelines for deciding to allow exposures beyond 25 rem for emergency workers, and (b) Lake County's emergency plan which established a maximum 25 rem dose for emergency workers. Sunflower also generally questioned the counties' ability to make decisions on workers' exposures and a need for respirators. Objections, pp. 11-12.

Applicants reference the requirement in 10 CFR § 50.47(b)(11) for means of controlling radiological exposures for emergency workers consistent with EPA guidelines, and Criterion K.4 guidance in NUREG-0654 for establishment of a decision chain to authorize exposures in excess of EPA guidelines. Motion, p. 4. Applicants also note that NUREG-0654 Criterion J.6.a. recommends individual respiratory protection solely for onsite emergency workers, and that no parallel criterion exists for

offsite workers. Motion, pp. 4-5. Applicants assert the three counties' emergency plans establish radiation exposure limits for emergency workers which conform to EPA guidelines as well as a decision chain for authorizing higher exposures. Winters Affidavit, ¶¶ 3-4. Applicants also reference the inventory in all three county plans of self-contained breathing apparatus available for emergency workers. Id., ¶ 6.

NRC/FEMA Response

Mr. Shapiro affirms the conformance of the three county emergency plans with EPA exposure guidelines for emergency workers and describes the Ohio Department of Health order requiring respiratory equipment for offsite emergency workers, even though not required by Federal regulations. Shapiro, Affidavit, ¶¶ 21-22.

The affidavits supplied by Applicants and FEMA clearly demonstrate that the offsite plans provide exposure limits for offsite emergency workers which are consistent with federal guidelines and provide for respiratory protections for emergency workers. Consequently, there is no genuine issue of material fact underlying Contention H and it should be summarily dismissed.

Contention I: Applicants' emergency plan contemplates that an evacuation would not take place beyond a 5-mile radius of the Perry plant.

Applicants refer to 10 CFR § 50.47(b)(10) which requires development of a range of protective actions for the plume exposure pathway EPZ; NUREG-0654 Criterion J.10.m which recommends licensee emergency plans include bases for recommended protective actions for the plume exposure pathway EPZ, and 10 CFR § 50.47(c)(2) which specifies the plume exposure EPZ as

extending about 10 miles from the plant. Motion, pp. 3-4. Applicants attest there is no basis for this issue because of referenced sections of the PNPP-EP which (1) define a 10 mile plume EPZ (2) provide recommended protective actions including evacuation for distances out to ten miles, according to the amount of accidental releases, and (3) provide for evacuation of the entire 10 mile EPZ. Hulbert Affidavit, ¶¶ 3, 5, 7. Applicants also point out provisions in the offsite emergency plans for protective actions in the entire 10 mile EPZ. Id., ¶¶ 3, 6.

NRC/FEMA Response

The Staff affiant attests that the methods described in the PNPP-EP for developing protective action recommendations, and Applicants' January, 1985 correspondence, to be added to the PNPP-EP, indicate protective action recommendations will include evacuation of the entire 10-mile Emergency Planning Zone. Perrotti Affidavit, ¶¶ 20-23. Mr. Perrotti concludes the PNPP-EP, with Applicants' intended clarifying revision, conforms to requirements and guidance criteria for development of protective actions for the entire 10-mile EPZ. Id. ¶ 25.

The affidavits of Applicants and Staff demonstrate the PNPP-EP provides for evacuation of the entire 10 mile plume EPZ as one of the possible recommendations for protective action. Consequently, there is no genuine issue of material fact to be litigated concerning this issue and Contention I should be summarily dismissed.

Contention J: Emergency action level indicators are incomplete in Applicants' emergency plan.

Applicants cite the requirements in 10 CFR § 50.47(b)(4) and 10 CFR Part 50, Appendix E §§ IV.B., and IV.C. for an emergency action level (EAL) scheme based on the licensee's facility system and effluent parameters, means for assessing the impact of radiological releases and plant instruments to indicate a potential emergency. Motion, pp. 3-4. Applicants also cite NUPEG-0654 Criteria D.1 and D.2 which describe a complete emergency action level scheme. Motion, pp. 4-5. Applicants concede that 13 of the 200 items contained in Table 4-1 of the Emergency Action Level indications were incomplete in Revision 3 of the PNPP-EP because the missing values were not available at the time the Revision was issued. Hulbert Affidavit, ¶¶ 3-4. However, Applicants assert the 13 missing values have since been developed and will be included in Revision 4 to the PNPP so that all EALs will be complete. Id., ¶¶ 5, 7.

NRC/FEMA Response

Mr. Perrotti states that his review of Revision 3 to the PNPP-EP and additional information provided by Applicants are the bases for his conclusion that the EAL's have been satisfactorily addressed by Applicants, including the unresolved items noted in the Perry SSER 4, Sections 13.3.2.4(1), (2) and (3). Perrotti Affidavit, ¶ 27. Mr. Perrotti also states that there are 13 missing items of information in Table 4-1 concerning measured radiation or radioactivity concentration levels, which the Staff expects to be supplied after calibration of radiation monitoring equipment and approval of Technical Specifications for PNPP. Id. ¶ 28. Mr. Perrotti states his opinion that the incomplete status of



the EALs is normal for this stage of the licensing process, but that Staff will ensure by continuing review of the PNPP-EP that the EALs are completed prior to licensing. Id. ¶¶ 28-29.

Because Applicants and Staff attest that the 13 incomplete items of the 200 items in Table 4-1 of the Emergency Action Levels in the PNPP-EP will and must be completed, after necessary calibration of instruments and approval of Technical Specifications, prior to licensing, and because indications of the equivalent values to be inserted when possible are now provided in Table 4-1, it is clear that no genuine issue of material fact exists to be litigated concerning Contention J and it should be dismissed.

Contention M: Independent Data Monitoring Systems should be installed within all counties in the Emergency Planning Zone.

As Applicants note, Sunflower asserted that the Lake County, Ohio emergency plan indicates installation of a county radiological monitoring system, and the other two nearby counties should also provide monitoring systems. Motion, p. 5. Applicants cite 10 CFR § 50.47(b)(8) and (9) as the relevant legal standard. This regulation requires adequate facilities and equipment, methods, and systems for assessing and monitoring actual or potential offsite consequences of a radiological emergency. Applicants also refer to NUREG-0654 Criteria H.7 and I.7 which concern equipment for offsite radiological monitoring and capability for field monitoring. Motion, p. 4. Applicants attest that they and the state of Ohio have mobile field survey teams to monitor radiological conditions in the EPZ which conform to the regulations and recommendations of NUREG-0654 and FEMA. Bowers Affidavit, ¶¶ 4-5. Smith Affidavit, ¶¶ 3-4.

Applicants assert no requirement exists for a fixed County radiation monitoring system nor would a fixed system be as effective as a mobile one. Bowers, ¶¶ 2-3, 5. Smith, ¶ 5. Nevertheless, according to Applicants, there are two fixed radiation monitoring systems near the Perry plant, consisting of 77 thermoluminescent dosimeters (TLD) placed in rings around the plant by CEI, the State of Ohio, and NRC. Bowers, ¶ 6. Applicants note that the State of Ohio has extensive radiological assessment capability with a centralized command and control facility with a computer system for analysis and evaluation of radiological data, three fully equipped field monitoring teams capable of a full range of radiation detection, air sampling, and aerial surveys, as well as a radiocommunication system to transmit field data to the State, PNPP, and the nearby counties' emergency operations facilities. Smith, ¶ 4. Applicants explain in detail the methods and equipment to be used by the State field monitoring teams to obtain data from water, soil, vegetation, and air at various locations around the plant, as well as the communication system described in the State's radiological emergency plan. Smith ¶¶ 5-7. Applicants assert the State Radiological Response teams are sufficient in number and capability to provide effective radiation plume tracking independent of PNPP field monitoring teams as was demonstrated by the exercise of the State teams on November 28, 1984. Smith, ¶ 8. Applicants point out that Federal Agencies (DOE, EPA, and NRC) also provide field teams with monitoring capability equivalent to the State of Ohio in case of nuclear plant accidents. Smith, ¶ 9. Applicants conclude that because the State of Ohio is fully capable of independently monitoring a radiological plume in the three counties near PNPP, there is

no good reason to also install fixed monitoring systems in the counties. Smith, ¶ 10, 13.

NRC/FEMA Response

The Staff affiant describes the extensive plant and field fixed monitoring systems and the mobile field team monitoring provided by Applicants for PNPP as well as their functions. Perrotti Affidavit, ¶¶ 34-36. Mr. Perrotti states no requirement exists for independent monitoring systems for the counties within the EPZ and that the PNPP-EP complies with regulatory criteria for radiation monitoring capability. Id., ¶¶ 37-38. The FEMA affiant states that the Lake County emergency plan does not contain a provision for a fixed radiological monitoring system. Shapiro Affidavit, ¶ 25. Mr. Shapiro explains it is in the best interest of the counties to rely on the monitoring capabilities of the State of Ohio. Id. Mr. Shapiro affirms Applicants' description of the State's extensive monitoring and response systems and agrees that it is sufficient to provide data necessary to adequately assess radiological releases in the EPZ. Id., ¶ 24.

The information provided by Applicants, NRC Staff and FEMA demonstrates the sufficiency of offsite radiological monitoring systems provided by CEI and the State of Ohio to provide the data and evaluation necessary to effectively respond to an emergency situation in the three counties surrounding PNPP. Having demonstrated this, the Applicants' motion for summary disposition of Contention M should be granted, since no genuine issue of material fact exists concerning this contention.

Contention 0: Emergency plans do not adequately set forth plans and procedures for reentry and recovery of property or the means for relaxing protection measures, within the 10-mile EPZ.

Applicants assert the legal standard to be met in regard to this issue is 10 CFR § 50.47(b)(13) which requires general onsite and offsite plans for recovery and reentry, reflected in NUREG-0654 Criterion M.1. Motion, p. 4. Applicants argue that Sunflower provided no specific reason for asserting the recovery plans are inadequate, the regulations do not require detailed plans, and there is no time constraint for recovery and reentry which would make complex and detailed plans necessary. Motion, p. 5. Applicants recite the Licensing Board's explanation of 10 CFR § 50.47(b)(13) in the San Onofre <sup>13/</sup> proceeding, where the Board stated that recovery plans must and should be ad hoc according to the existing radiological conditions, and not prepared in the detail necessary for emergency response. Motion, p. 6. Applicants state the reentry/recovery plan for the PNPP EPZ complies with the regulations and the referenced San Onofre decision. Id. Applicants explain the general recovery plans for the 10 mile EPZ contained in the State and County emergency plans consist of a Recovery and Reentry Committee, composed of representatives from appropriate State and Federal agencies, who will review radiological data and make recommendations. Baer Affidavit, ¶¶ 2-4. Applicants point to the State's provision for property decontamination by the Ohio Disaster Services Agency (DSA); criteria established for reentry to be

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<sup>13/</sup> Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), LBP-82-39, 15 NRC 1163, 1207 (1982).

used by the State and counties; plans to coordinate actions by counties, the Ohio DSA, and Department of Health; and conditions described in the plans which must be met prior to beginning recovery. Id., ¶¶ 5-8, M-2.

NRC/FEMA Response

Mr. Perrotti summarizes the contents of the PNPP-EP for recovery and reentry and provides the NRC Staff's evaluation of the plans as sufficient to meet the requirements. Perrotti Affidavit, ¶¶ 40, 42. FEMA's representative attests that the Federal Regional Assistance Committee has reviewed the State and County plans for reentry and recovery and found them sufficient to appropriately assess conditions and direct recovery activities. Shapiro Affidavit, ¶¶ 28-29. Mr. Shapiro notes two deficiencies in the reentry-recovery plans but attests that the deficiencies do not affect the overall adequacy of the plans. Shapiro, ¶ 30.

These affidavits and those supplied by Applicant establish that the general plans for recovery in the onsite and offsite emergency plans for PNPP adequately define the actions to be taken and criteria to be used concerning decontamination and relaxation of emergency restrictions, according to the conditions present. These determinations of adequacy of the general recovery/reentry plans are unchallenged. There being no issue of material fact connected with Contention 0, it should be summarily dismissed.

Contention P: Emergency plans are deficient with respect to hospital designations and medical services as well as procedures required to assist contaminated individuals.

As noted by Applicants, the requirement relevant to this issue is 10 CFR § 50.47(b)(12) which requires that arrangements be made for medical services for contaminated injured people. NUREG-0654 Criteria L.1 and L.3 recommend arrangements for local and backup hospital and medical services with capability for evaluation of radiation exposure and uptake and services for contaminated persons. This guidance also recommends listing locations of all non-emergency hospitals in the State and contiguous States with medical services capable of radiological monitoring and care for contaminated injured individuals. Motion, pp. 4-5. Applicants recite the Commission's interpretation of the medical service requirements in the San Onofre <sup>14/</sup> proceeding which described the required services as those sufficient for (1) emergency treatment of injured and contaminated onsite personnel, offsite emergency workers and possibly, members of the public (although members of the public are not likely to be so injured) and (2) treatment for injury from dangerous levels of radiation alone, which does not require emergency care. Motion, pp 5-6. Applicants argue against Sunflower's assertion that a complete inventory of resources for decontamination and skills in treating radiation and common injuries should be provided because there is no requirement for such detail, Motion, p. 8. Applicants assert that compliance with the requirement for medical services is demonstrated by the PNPP, Ohio, and

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<sup>14/</sup> Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528 (1983). Staff notes that the recent Court of Appeals decision vacating that part of the San Onofre decision which states a mere listing of medical facilities is sufficient, does not affect the discussion here. Staff and Applicants have addressed arrangements for and adequacy of medical services. See Guard v. NRC, No. 84-1091, slip op. at 3 (D.C. Cir., February 12, 1985).

nearby county emergency plans which identify four local hospitals and an additional 50 hospitals surrounding the EPZ, which are capable of treating radiation injuries, and eighty-five specially trained local hospital personnel. Linnemann Affidavit, ¶¶ 8-12. Applicants medical expert attests that radiation injury is one of the easiest injuries to handle; such injuries are seldom life-threatening, and thus, the primary concern is the patient's non-radiological injury or illness, not the radiation exposure and contamination which can be safely treated without special equipment and without hazard to medical personnel, after treatment of the primary trauma. Id. ¶¶ 2, 4. Dr. Linneman states his opinion that there is no reason to expect large numbers of casualties in the event of a nuclear plant accident, given the expected releases, so that existing medical resources, which already have procedures to handle mass casualties, are sufficient. Id., ¶¶ 5-7, 10. It is Dr. Linneman's opinion that the existing emergency room facilities of all the hospitals identified in the Ohio emergency plan, 37 of which have radioisotope facilities, would be able to handle any conceivable patient load arising from an accident at the Perry plant. Id., ¶ 12.

#### NRC/FEMA Response

Mr. Shapiro states that the Ohio Emergency plan provides a directory of medical facilities with emergency rooms, burn care units, and radioisotope diagnostic or treatment capability; a designation of the State facilities capable of whole body radiation counting; and a list of 49 medical facilities in the PNPP planning area, 39 of which have diagnostic or therapeutic facilities for radiation injury. Shapiro

Affidavit, ¶ 32. Mr. Shapiro also attests that the Ohio emergency plan indicates procedures for transport of accident victims according to the county plans with provision of additional assistance by the Ohio National Guard and 65 ambulances. Id. Based on the State's description of the facilities available for treatment of injuries during a radiological emergency, FEMA considers the medical facilities sufficient to comply with regulations and guidance criteria. Id., ¶ 33.

It is clear from the affidavits provided by Applicants and Staff, that the medical facilities and services available locally and in the State, are adequate to provide treatment necessary for those injured due to radiological and nonradiological causes during a PNPP accident. There is no genuine issue of material fact to be litigated concerning Contention P and it should be dismissed on the basis of the pleadings.

Contention Q: There are an inadequate number of buses to transport children during an emergency and evacuation procedures have not considered transportation obstacles which might originate with parents picking up their children at school.

Applicants cite 10 CFR § 50.47(b)(10) as the governing legal standard which requires development of protective actions for the plume exposure EPZ. NUREG-0654 Criterion J.10.g., recommending plans for means of emergency relocation, is also referenced. Motion, pp. 3-4. Applicants assert that, according to their consultants' recent survey, only 384 buses are necessary to evacuate the 19,802 students in EPZ schools in a single trip whereas 718 bus drivers trained for radiological emergency evacuation and more than 600 buses are available to the three counties within the EPZ for emergency use. Winters Affidavit, ¶¶ 3-8. Applicants state



the principles of human behavior, well established by many years of research, demonstrate that people are orderly and conform to their responsibilities during emergencies. <sup>15/</sup> Meleti Affidavit, ¶¶ 2-12. According to Applicants, these principles are applicable to school bus drivers and parents, whereas the key to minimizing confusion and uncertainty for parents of school children is planning and public education in specific details of emergency plans, as well as clear information during an emergency. Id. ¶¶ 13, 17 and 19. The Applicants state the offsite emergency plans provide for rapid evacuation of school children and the local Emergency Broadcast System will advise parents of school evacuation and the location of the receiving facility outside the EPZ, but, if some parents do appear at schools to pick up children before the evacuation, normal procedures for school dismissal will be adequate to prevent traffic problems. Winters Affidavit, ¶¶ 9, 10-12.

#### NRC/FEMA Response

Mr. Shapiro states that the offsite emergency plans provide for evacuation of school children within the designated evacuation area by school buses presently used for transport, to centers outside the EPZ with assistance by additional school buses and drivers from outside the evacuation area. Shapiro Affidavit ¶¶ 35-36. Mr. Shapiro points out

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<sup>15/</sup> Applicants note this general principle has been recognized in other Commission proceedings citing, Consolidated Edison of New York (Indian Point, Unit No. 2), LBP-83-68, 18 NRC 811, 958 and Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), LBP-82-70, 16 NRC 756, 805 aff'd ALAB-781, 20 NRC 819 (1984). These decisions take note of the fact that people behave appropriately during emergency conditions.

that the plans do not indicate an intent to release school children, who will remain in supervised controlled groups during evacuation and until parents arrive to take them from reception centers, but that normal and emergency traffic control procedures will suffice to accommodate cars of parents who might arrive during school evacuations. Id., ¶ 36.

Mr. Shapiro states his opinion that offsite emergency plan provisions for school evacuation are adequate to provide protective action. Id.

The affidavits of Applicants and FEMA demonstrate that sufficient buses are available to safely evacuate school children in the PNPP EPZ and the information provided to parents prior to and during an emergency, as well as normal traffic control measures, will prevent transportation obstacles during school evacuations. The affidavits demonstrate that there is no genuine issue of material fact to be litigated concerning Contention Q, and the contention should be summarily dismissed.

Contention U: Reception centers do not have the means or facilities for handling contaminated property.

The governing standard related to this contention referenced by Applicants is 10 CFR § 50.47(b)(10), which requires a range of protective actions for the public within the plume exposure pathway, reflected in NUREG-0654 Criterion J.12 which recommends a means for registering and monitoring evacuees at relocation centers. Motion, pp. 3-4. Applicants assert that these standards are met because referenced emergency plans and procedures for the three counties surrounding PNPP provide for monitoring, decontamination, and isolation of contaminated vehicles and personal property at reception centers as well as standard operating procedures maintained by the three counties' Disaster Services Agencies, which

provide specific directions for monitoring and decontamination. Baer Affidavit, ¶¶ 3-4. Applicants state that procedures to handle contaminated property will be performed at reception centers by fire department personnel, trained in the procedures according to the Ohio Radiological Training Manual. Id., ¶ 5. Applicants attest that equipment, supplies and instructions for handling and decontaminating personal property and vehicles will be provided for all reception centers which have adequate areas for isolating contaminated objects. Id., ¶ 6.

NPC/FEMA Response

Mr. Shapiro states that the counties' plans provide for monitoring at reception centers. Similarly, the Ohio Emergency Plan describes decontamination equipment and procedures, provisions for monitoring by the Ohio Disaster Services Agency and means of disposal of radioactive waste. Shapiro Affidavit, ¶ 38.

The affidavits of Applicants and FEMA demonstrate that the offsite emergency plans contain procedures and provisions for handling contaminated property at reception centers. There is, therefore, no genuine issue of material fact concerning Contention U and the Board should grant Applicants' motion for summary disposition of this issue.

Contention Z: The plans do not provide decontamination protection for bus drivers during an emergency.

Sunflower's original Contention Z asserted that dosimeters do not provide adequate protection for bus drivers and that these drivers should be provided protective equipment. Objections, p. 24. The thrust of

Contention Z is, thus, that some protection for bus drivers beyond personal monitoring is necessary.

Applicants reference 10 CFR § 50.47(b)(11) as the applicable standard. This regulation requires means for controlling radiological exposures for emergency workers. Applicants also refer to NUREG-0654 Criterion K.3.a. which recommends provisions for distribution of self-reading and permanent record dosimeters. Motion pp. 3-4. Applicants assert that no requirement exists for decontamination protection such as goggles and respirators, but that bus drivers will have self-reading permanent record dosimeters and will be trained in their use in accord with the only regulation related to bus drivers. Baer Affidavit, ¶ 3-5, 8. According to Applicants, in the event a bus driver should receive excessive radiation exposure, the emergency plan procedures direct the driver to report to a monitoring-decontamination station outside the plume exposure EPZ for decontamination. Id., ¶ 5. Applicants state that the dosimeters provided to the bus drivers must be turned in for checking at the completion of each mission or shift, and each school district's emergency procedures describe specific exposure control for bus drivers. Id., ¶ 6. Applicants also point out that bus drivers are not likely to be subject to significant radiation exposure because evacuation is planned to be complete prior to release of significant radioactivity and bus drivers will be inside the EPZ only for the time necessary to load and drive the buses out. Id., ¶ 7.

NRC/FEMA Response

FEMA's representative, Mr. Shapiro, attests that the Ohio Emergency Plan provides that emergency workers should not incur exposures above certain limits, but, if decontamination should be necessary, it can be provided by the State Disaster Services Agency by means of its Decontamination Standard Operating Procedures. Shapiro Affidavit, ¶ 41. Mr. Shapiro states the dosimeters to be provided to evacuation bus drivers are reliable devices to indicate radiation exposure, but nevertheless, the Ohio Department of Health requires protective equipment for all emergency workers. Id.

Based on the testimony contained in Applicants' and FEMA's affidavits, which demonstrate sufficient procedures to control radiation exposures to bus drivers as well as means for decontamination, the Board should grant summary disposition of Contention Z since no genuine issue of material fact exists to require litigation of the issue.

Contention BB: Offsite emergency plans are inadequate due to the planning deficiencies set forth in the Federal Emergency Management Agency Interim Report of March 1, 1984.

Applicants refer to the Commission's emergency planning regulations, and cite § 50.47(a)(2) which indicates FEMA's responsibility for review and assessment of offsite emergency plans. Motion, p. 4. Applicants point out that FEMA's 1984 Interim Report on the radiological emergency plans for Lake, Geauga, and Ashtabula counties concluded there is reasonable assurance the plans are adequate and capable of implementation in the event of an accident at PNPP. Baer Affidavit, ¶¶ 3-4. Applicants point out that more than half of the deficiencies in the plans noted by

FEMA are also indicated to have been corrected by the Report itself and assert more deficiencies have been corrected in recent revisions to the offsite plans. Id., ¶¶ 4-5. Applicants provide a table listing the 145 deficiencies in FEMA's Interim Report and sections of the revised offsite plans which correct these deficiencies. Id., ¶ 6-7; Attachment A.

NRC/FEMA Response

Mr. Shapiro explains that FEMA's 1984 Interim Report expressly states that the offsite emergency plans were deemed adequate by FEMA to assure appropriate protective actions, in spite of the deficiencies noted in the Report. Shapiro Affidavit, ¶ 43. Mr. Shapiro further attests that the November 1984 exercise of the offsite plans demonstrated their adequacy to provide the actions necessary for protection of the public during a radiological emergency, as indicated in FEMA's report on the emergency exercise, provided with this response, which found no "Category A" (Public Health and Safety) deficiencies. Id., ¶ 44.

These affidavits establish that the identified deficiencies do not render the offsite plans inadequate. There is clearly no genuine issue of material fact concerning the deficiencies noted in FEMA's 1984 Interim Report on Offsite Emergency Plans for Perry. Consequently, Contention BB should be dismissed.

Contention CC: The resolution items set forth by the Staff in its Safety Evaluation Report, NUREG-0887, Supp. 4 (February 1984) pp. 13-1 to 13-22 are uncorrected deficiencies in the emergency plans.

Applicants attest that all 35 deficiencies noted in SSER #4 pp. 13-1 to 13-22 have been corrected by Revision 3 to the PNPP-EP submitted to

NRC and by additional information provided August 20 and October 29, 1984, to be incorporated in a future emergency plan revision scheduled for submission in February 1985. Hulbert Affidavit, ¶ 3-5.

NRC/FEMA Response

The NRC Staff reviewer for the PNPP attests that all unresolved items noted in the SSER #4 (pp. 13-1 to 13-22) have been resolved by information contained in Revision 3 to PNPP-EP and by subsequent letters, and therefore, he concludes that the PNPP-EP will provide acceptable onsite emergency preparedness upon satisfactory completion of measures committed to in Applicant's letters. Perrotti Affidavit, ¶¶ 44-45. This evaluation is also stated in SSER #5 for PNPP § 13.

It is clear that all deficiencies in the PNPP-EP noted by Staff in the February 1984 SER supplement, have been satisfactorily corrected and consequently, there is no genuine issue of material fact underlying Contention CC. It should be dismissed.

Contention DD: The Applicants' emergency operation facility is located contrary to criteria and guidance provided by the NRC.

As attested by Applicants and NRC Staff, the location of Applicants emergency operations facility (EOF) conforms to both NRC regulations, 10 CFR § 50.47(b)(8) and Part 50, Appendix E, and guidance in NUREG-0654 Criterion H. 2. Hulbert Affidavit, ¶¶ 3-5, Perrotti Affidavit, ¶ 49. There is, therefore, no genuine issue of material fact concerning this issue and it should be dismissed.

Contention GG: The emergency plans have not made provisions for communicating with individuals (like Amish people) who do not utilize radio or television devices.

Applicants refer to 10 CFR § 50.47(b)(5) and 10 CFR Part 50, App. E, § IV.D.2 as the applicable regulations. These require means to provide early notification and clear instruction to the populace within the plume EPZ, and specifically, a listing of local broadcast stations to be used for providing information during an emergency. Motion, p. 4. Applicants also refer to NUREG-0654 Criteria E.5 and E.6 which recommend establishment of an Emergency Broadcast System (EBS) and a means of providing prompt instructions to the public. Motion, pp. 4-5. Applicants note that Appendix 3 to NUREG-0654, which provides details of acceptable emergency information systems, relies on sirens and broadcast media. Motion, p. 5-6. Applicants attest that they conducted a survey of northeastern Ohio in 1984 which they verified by inquiries of County Commissions and churches. These investigations showed that there are no Amish or other groups in that part of the State which do not use radios and television. Dugan Affidavit, ¶¶ 2-5. Applicants further attest that a public information brochure, to be mailed to residents in the 10-mile EPZ, will include a special needs information card to be returned to the county disaster services agency to identify those needing personal notification. Dugan, ¶ 6. Additionally, Applicants state that the offsite emergency plans contain procedures for verifying that persons in the plume EPZ have been notified of an emergency by placement of a green notification card in each home's window or by tying a towel to the front door or mailbox. Id. ¶¶ 3-9. Beyond these means of notification, Applicants assert that a strong "ripple effect" of unusual activities



observed will cause persons to actively seek information from neighbors and friends. Meleti Affidavit, ¶¶ 6-8.

NRC/FEMA Response

Mr. Shapiro of FEMA attests that the offsite plans provide for sirens and loudspeakers throughout the 10 mile EPZ in addition to a special needs information card to identify those needing personal notification, which together are adequate to assure notification of those without radios and television. Shapiro Affidavit, ¶ 46.

Mr. Perrotti describes (a) the PNPP-EP "Prompt Alerting System" which consists of sirens with capability of voice broadcast, to be placed along public roads in the Perry 10 mile EPZ, and (b) the Applicants' public education program to prepare residents for an emergency, and concludes these procedures comply with regulations applicable to public information. Perrotti Affidavit, ¶¶ 52-54.

Based on the affidavits of Applicants, NRC, and FEMA, it is clear that a system has been established for notifying individuals in the Perry plume EPZ without access to the EBS, of a radiological emergency. Therefore, there is no genuine issue of material fact requiring litigation of Contention GG and it should be summarily disposed.

Contention JJ: Emergency plans do not provide for back-up power so that evacuation procedures and activities can be carried out.

Applicants state that the governing legal standards related to this issue are 10 CFR § 50.47(b)(8) and Part 50, Appendix E § IV.E.9. which require adequate emergency facilities and equipment to support the emergency response, with backup means for onsite and offsite communication

systems. Motion, p. 4. Applicants explain that, were PNPP to be shutdown, power would be provided by the transmission grid system sufficient to operate sirens, traffic lights, monitoring equipment and gasoline pumps during an emergency. Green Affidavit, ¶ 3. Applicants also state that the siren system has a battery and charger system to allow operation without electrical power; the PNPP onsite radiation monitoring equipment can be run on power from diesel generators; PNPP offsite monitoring equipment is self-contained; and the State radiation monitoring equipment is powered by batteries or portable generators. Winters Affidavit, ¶ 4.a.b. Further, according to Applicants, if traffic lights fail to operate, evacuation would not be jeopardized because there would be one direction of traffic flow away from the plant and a large amount of traffic control to be provided by police departments as described in the offsite plans. Winters Affidavit, ¶ 4c. Applicants also point out that Lake County, Ohio has a large supply of gasoline and diesel fuel which can be pumped by generators; and the Geauga county Sheriffs Department fuel pumps can be hand-operated. Id., ¶ 4d. Finally, Applicants state that all three counties' emergency operations centers have generators and radio communications capability for police, fire, ambulance, bus mobile units, hospital, and reception centers. Id., ¶ 4.c. Beyond these alternate power sources, Applicants provide a partial list of the power available from more than 138 generators in the three counties, as well as those fire and road departments with generators. Id., ¶ 5, Table B.

NRC/FEMA Response

Mr. Perrotti states that (1) power will be provided to the local area from the electrical grid system if PNPP tripped off line, (2) the sirens in the warning system can operate for 30 minutes on batteries, and (3) the PNPP onsite radiation monitoring system can be powered by diesel generators. Perrotti Affidavit, ¶ 57. Mr. Perrotti attests to the provision for battery-powered equipment for onsite and offsite monitoring teams. Id. Mr. Shapiro attests to the ability of the local police departments to adequately handle evacuation traffic without traffic lights, and to alternative sources of power available for offsite emergency equipment. Shapiro Affidavit, ¶ 48.

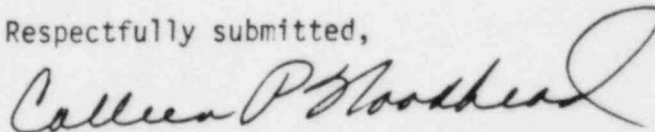
Therefore, because all equipment necessary for emergency responses are provided with alternative power sources, there is no genuine issue of material fact underlying this issue and it should be dismissed.

In conclusion, the affidavits of persons knowledgeable about the PNPP onsite and offsite emergency plans, and the Commission's emergency planning regulations and guidance, supplied by Applicants, NRC Staff and FEMA, demonstrate that none of the emergency plan issues admitted to the proceeding is based on a genuine issue of material fact. Additionally, the NRC and FEMA representatives state their opinions that the onsite and offsite emergency plans for PNPP comply with the Commission's regulations and guidance and are sufficient to provide appropriate emergency response. Perrotti Affidavit, ¶ 59, Shapiro Affidavit, ¶ 49. For these reasons, the Applicant's motions for summary disposition of all emergency plan contentions should be granted.

III. CONCLUSION

For the reasons stated above, the Board should grant summary disposition of Contentions A, B, C, G, H, I, J, M, O, P, Q, U, Z, BB, CC, DD, GG and JJ.

Respectfully submitted,

A handwritten signature in cursive script, reading "Colleen P. Woodhead". The signature is written in dark ink and is positioned above the typed name and title.

Colleen P. Woodhead  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 25th day of February, 1985