

5/23/83

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
U.S. DEPARTMENT OF ENERGY)
PROJECT MANAGEMENT CORPORATION)
TENNESSEE VALLEY AUTHORITY)
)
(Clinch River Breeder Reactor Plant))

Docket No. 50-537

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

Pursuant to 10 C.F.R. §2.749(a), the United States Department of Energy and Project Management Corporation, for themselves and for the Tennessee Valley Authority (the Applicants) submit this statement of material facts as an annex to Applicants' Motion for Partial Summary Disposition on Intervenor's Contentions 9(c) and 9(f).

1. Intervenor's Contentions 9(c) and 9(f) allege:

Neither Applicants nor Staff have demonstrated that Applicants' plans for coping with emergencies are adequate to meet NRC requirements.

- (c) The PSAR contains insufficient analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations, nor does it note major impediments to the evacuation or taking of protective actions.

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- (f) Applicants' proposed emergency plans fail to take into account the special measures necessary to cope with a CDA, including the need for increased protective, evacuation and monitoring measures, reduced response time and special protective action levels.

2. The only basis for Intervenors' allegation in Contention 9(c) that the PSAR contains insufficient analysis of the time requirement to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations, is that the PSAR analysis of evacuation times is limited to a ten mile EPZ. See, Response of Intervenors Natural Resources Defense Council, Inc., and the Sierra Club to Applicants' 10th Set of Interrogatories at 9-10.

3. Contention 9(c) does not challenge the adequacy of the PSAR evacuation time analysis based upon a 10 mile EPZ. See, May 12, 1983 Deposition of Dr. Thomas Cochran by the NRC Staff, TR 74, 123-124.

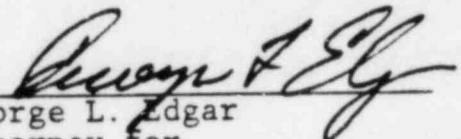
4. Intervenors' Contentions 9(c) and 9(f) are based on Intervenors' belief that the 10 mile plume exposure pathway EPZ established by 10 C.F.R. Part 50, Appendix E may be inappropriate. See, May 13, 1983 Deposition of Thomas Cochran by Applicants, TR 8-9.


5. Intervenors have not advanced any factual basis for the proposition that the 10 mile EPZ would not be adequate for CRBRP.

6. The 10 mile EPZ is prescribed by Nuclear Regulatory Commission regulations. See, 10 C.F.R. §50.47 and Part 50, Appendix E.

7. 10 C.F.R. §2.758 precludes challenges to Commission regulations in the CRBRP licensing proceedings.

Respectfully submitted,


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DATED: May 23, 1983