

February 17, 1984

DOCKETED
USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'84 FEB 21 A11:17

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKET & SERVICE
BRANCH

In the Matter of)

CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, et al.)

Docket Nos. 50-440
50-441
(OL)

(Perry Nuclear Power Plant,)
Units 1 and 2))

OCRE BRIEF IN SUPPORT OF "SUNFLOWER'S MOTION TO REOPEN
DISCOVERY ON ISSUE #1"

Intervenor Ohio Citizens for Responsible Energy ("OCRE")

hereby supports the motion of intervenor Sunflower Alliance, et al
of February 3, 1984 seeking the reopening of discovery on Issue #1, on
emergency planning.

OCRE agrees with Sunflower that "there is considerable cause for
reopening discovery on this issue" (Motion at 1).^{1/} In addition to the reasons
set forth by Sunflower, OCRE proffers Attachment 1 as additional support for
the motion. This attachment, discovered by OCRE in the Local Public Document
Room, indicates the Staff's intention to file a motion for summary dis-
position of Issue #1 "as soon as possible." The Staff has sought input from
the Federal Emergency Management Agency ("FEMA") for support for the motion.

^{1/} Sunflower's assertion that emergency planning arrangements are more
complete than in 1982 is corroborated by the information in Attachment 2,
"The Perry Perspective", which indicates that Applicants are conducting
"educational" programs for the public and emergency workers. Information
on these activities, ironically, is not available to intervenors; despite
their statement that "speakers [on emergency planning] will come to any group
that expresses an interest," Applicants refused to speak to a public meeting
to have been sponsored by intervenors, claiming that the information is available
through discovery. Obviously it is not available as long as discovery remains
closed.

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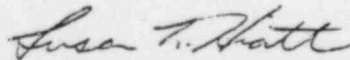
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This, of course, is in accordance with 10 CFR 50.47(a)(2), which states that the NRC bases its finding on the adequacy of offsite emergency planning on the findings of FEMA. However, the last sentence of that section states that "(i)n any NRC licensing proceeding a FEMA finding will constitute a rebuttable presumption on a question of adequacy." It is entirely anomalous to expect an intervenor to rebut a FEMA finding without the tools (i.e., discovery) with which to learn the basis for such a finding.

The tenor of Attachment 1 also suggests that thorough discovery of the basis of FEMA's assessment will be especially necessary here, as the Staff's interest seems limited to those findings supporting summary disposition. The Staff's plan for the imminent summary disposition of this issue alone constitutes abundant good cause for reopening discovery.

OCRE thus concludes that the liberal reopening of discovery on Issue #1 is mandated.

Respectfully submitted,



Susan L. Hiatt
OCRE Representative
8275 Munson Rd.
Mentor, OH 44060
(216) 255-3158

ATTACHMENT 1

December 29, 1983

Spence Perry, Esq.
Office of the General Counsel
Federal Emergency Management Agency
500 C St. S.W.
Washington, D.C. 20472

In the Matter of
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440 OL, 50-441 OL

Dear Spence:

As we discussed briefly by telephone, a contention concerning the adequacy of offsite emergency plans has been filed in the Perry proceeding. The hearing date tentatively scheduled for the resolution of this contention is March, 1984. In order to address this contention, we will need the evaluation of the issues raised in the contention by the FEMA reviewer assigned to the Perry site.

For your information I am enclosing a statement of the contention and the specific issues raised by the intervenor pertinent to the contention. Your assistance in providing an affidavit from the appropriate FEMA representative to support a motion for summary disposition would be most appreciated. We would like to file this motion as soon as possible.

Thank you very much for your help.

Sincerely,

Colleen P. Woodhead
Counsel for NRC Staff

Enclosures as stated

OFC : O.L.D. <i>CPW</i>	OELD <i>CPW</i>	OELD <i>CPW</i>					
NAME : C.Woodhead:ml J.Gray		E.Christenbury					
DATE : 12/23/83	12/17/83	12/28/83					

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In the Matter of
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440 OL, 50-441 OL

Issue #1 - Emergency Plan Contention
Sponsor: Sunflower Alliance
Sunflower representative: Terry J. Lodge, Esq.

The Applicant's emergency evacuation plans do not demonstrate that they provide reasonable assurance that adequate protective measures can and will be taken in the event of an emergency.

The specific issues presented under this contention are listed below:

Issues Raised by Sunflower Alliance

- I. The three counties within the EPZ must come to a consensus on emergency actions
 - a. different counties may choose different protective measures, which could cause misconception of the accident.
 - b. one decision making body would facilitate orderly steps
 - c. the Lake County plan anticipates use of ambulances from adjacent counties to aid evacuation but if there is no agreement on response, the other counties will not provide the ambulances
 - d. there is no provision for payment of ambulance attendant insurance
 - e. moving the 93,000 population of all three counties requires the consensus of the counties
- II. Bus drivers and firemen are volunteers
 - a. Bus drivers are volunteers who must drive school children as well as individuals without cars
 - b. Firemen must drive buses if necessary, but they are not trained to drive buses
 - c. Bus drivers and firemen may refuse to drive buses

- d. Bus drivers will only wear dosimeters but will have the same exposure as police and firemen who will wear protective clothing and respirators
- e. bus drivers have families who will need evacuation
- f. some volunteers perform several functions (bus, fire, ambulance)

III. Evacuation of school children will be disorderly

- a. parents will pick up children at school, causing crowding in the parking lot, hampering movement of buses
- b. buses will be overloaded with children standing and in panic

IV. Evacuation will be time consuming

- a. workers outside EPZ will have to pass perimeter check and return home
- b. many activities are required of homeowners prior to evacuation

V. Careless and disabled individuals will be the last evacuated

- a. bus drivers are not committed to evacuation driving
- b. evacuating nursing homes is time consuming
- c. nursing home residents and hospital patients will have to be transported to appropriate facilities

VI. Traffic control

- a. police will have to arrange for towing stalled cars
- b. some cars may run out of gas
- c. weather conditions could hamper traffic movement
- d. the police need (unspecified) equipment

VII. Hospital preparedness for contaminated persons

- a. no equipment has been purchased
- b. capacity is inadequate
- c. rescue workers are not trained in treating the contaminated
- d. ambulance corps have not been trained for radiological emergencies.

The Perry Plant is much more than concrete and steel. It is the dedicated and combined effort of over 6,000 employees constructing a plant that will help ensure a secure energy and economic future for the people of Northeast Ohio.

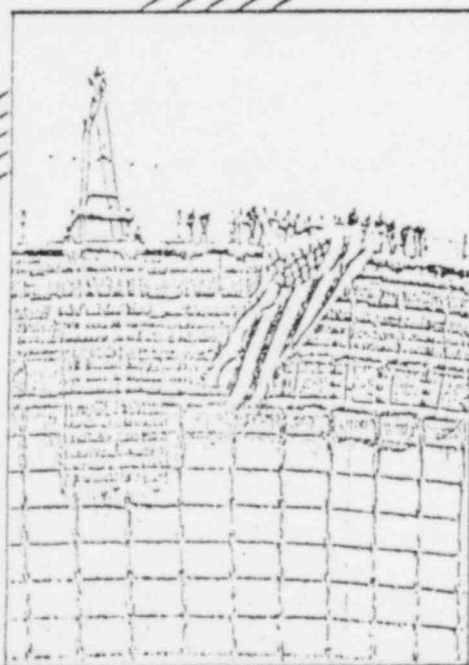
The Illuminating Company has been providing reliable electric service to the people of Northeast Ohio for more than 100 years, and with the construction of the Perry Plant, we will be able to maintain that outstanding record. Experience in this country, and throughout the world, has demonstrated that nuclear energy is the safest, cleanest and most economical means available today to produce electricity.

I hope you find "The Perry Perspective" helpful. If you have any questions you would like addressed in future issues, or answered personally, call our Community Relations Section at the Perry Plant, 259-3737, Extension 5904.

Sincerely,

Murray R. Edelman

Vice President Nuclear



Dear Neighbor:

I am pleased to present the first issue of "The Perry Perspective." This publication will be sent to you quarterly and is designed to answer questions you may have regarding the Perry Nuclear Plant. Topics to be addressed in future issues include plant safety, operation, construction, environmental benefits, waste management and emergency planning. You will also be introduced to some of your neighbors who will operate the plant.

As you know, The Illuminating Company began construction of two 1,205 megawatt nuclear generating units in North Perry Village in 1974. This is presently one of the largest projects in the State of Ohio. We are proud of the quality work that has gone into this project and want to tell you what we are doing as we get ready to bring the first unit on-line in mid-1985.

Ohio-Grown Pine Tops Off Cooling Tower II

A locally grown pine tree, hoisted atop the Unit 2 cooling tower, symbolized the completion of the Perry Plant's second tower in ceremonies held Thursday, October 20. A crisp lake breeze ruffled the tree, a centuries-old symbol of good luck, and a large American flag.

This is the second time Perry has celebrated a "topping off." The previous ceremony, marking the completion of the first cooling tower, took place in September, 1981.

Perry's twin cooling towers provide a means of cooling the large amounts of warm water produced when generating electricity. Also common in large coal-burning facilities, the towers are often likened to a car radiator, which cools engine water but never comes in contact with the combustion chambers. Instead, cooled water simply circulates in tubes to condense steam from the turbine generator and does not come in contact with any radioactive components. The vapor rising from the cooling tower is not radioactive, but simply steam released by the cooling process. Each tower circulates 550,000 gallons of water every minute, enough to supply the needs of a city the size of Painesville for about six hours.

The cooling towers at Perry also permit the same water to be used over and over again. Because Perry is a "closed" system, the water from the towers does not mix with lake water and warm water is not discharged into the lake.



Employee Focus

Every quarter, "The Perry Perspective" will introduce you to a plant employee and his or her family. We'll tell you about individuals, their jobs, and the relationships they've established in the communities where they live. And, just as important, they'll relate their experiences as employees of the Perry Plant.

Frank A. Stead, Manager of Nuclear Engineering

Frank, a resident of Painesville Township, has been Manager of Perry's Nuclear Engineering Department since June, 1982. He is one of five managers responsible for construction at the Perry Plant. A longtime employee of The Illuminating Company, he started as a Test Helper in July, 1965, and completed college at Cleveland State University as a co-op student through the Company's Scholastic Awards Program. In 1970, he was awarded a Bachelor in Mechanical Engineering and named Associate Engineer. Later that year, he took a leave of absence to work on a Master of Science in Mechanical Engineering at Ohio State University, completing his degree and returning to Cleveland in 1971. That year, The Illuminating Company announced plans for the Perry Plant, and Frank was assigned as a Nuclear Fuel Engineer.

From November, 1971 through April, 1978, he concentrated his efforts on fuel planning and plant licensing. In 1979, Frank came to the plant site as Senior Design Engineer. Later that year he was named Senior Project Engineer. From 1980 to 1982, he worked at numerous locations to gain operating experience in fossil fuel plants. In July, 1982, Frank was named Manager of the Nuclear Engineering Department.



Frank, his wife, Carol and their two children, Gwen and Brad, moved to Painesville Township early in 1979. Previously residents of a Cleveland suburb, they agreed that Frank's 106-mile round trip daily commute to Perry was taking a lot of time from family and community activities. "We now live about six miles southwest of the plant," Frank said, "and we're very happy here."

"I've been involved with nuclear power since 1970, and I have a great deal of confidence in the safety of the Perry facility. I'm confident that we're building a first rate installation and, while I do occasionally get questions about the plant and nuclear power, I think the most important thing is that the people who work here are just like everybody else. We have the same concerns about safety as everyone. We live here, too, and we do everything possible to assure the safety of our families and friends. We want this community to be a good place to raise our families," Frank said.

"There are a lot of activities for families to enjoy together here," Carol added. "You get to know a lot of people and just about everybody has a family member or friend who works at the plant, so it's not really a mystery to us. In fact, it's exciting to see the plant making progress and contributing as much as it does to the community."

Closely involved with the community, Frank has been an Elder at the Perry Christian Church for the last two and a half years, and has been a member of the Perry Kiwanis since the family moved to the area. At the Central YMCA, Frank is involved in the Program Committee and Carol is on the Women's Committee. Frank is active in the "Y's" SHAPE Cardiovascular Physical Fitness Program and Carol participates in the "Y's" Fitness Fantasia Program. Frank has recently dedicated considerable time to the Phase II Capital Fund Drive for the Perry/Madison Area Lake County YMCA.

Carol has been a clerk at the Perry Library since 1979. She taught Business Education in the Bedford Schools for six years and has completed several graduate courses, specializing in reading education at Baldwin-Wallace College.



The Stead children, Gwen (7) and Brad (5) are also active in school and community activities. Gwen is in second grade and is a Brownie. She takes piano lessons and participates in a drama workshop. Brad is a kindergarten student and takes swimming lessons at the "Y."

Meet "The New Neighbors" Through the Perry Speakers Bureau

The Illuminating Company invites you to meet the people who work at the Perry Plant and to take a closer look at this new facility — all through the free services of the Perry Speakers Bureau.

Through the Bureau, you can arrange a showing of "The New Neighbors," plus an informative discussion and question-and-answer program, for any group or organization.

"The New Neighbors" is a 14-minute, full color audio/visual program that will acquaint you with the Perry Plant, its people and its Emergency Planning Program. You'll learn all about plant safety, and how smart planning assures maximum protection for everyone.

"The New Neighbors" is presented by the members of the Perry Plant Speakers Bureau. More than 30 trained speakers — all of them regular Perry employees and most of them local residents — can answer your questions face-to-face and discuss the issues of nuclear energy.

"The New Neighbors" will be of particular interest to students, teachers, churches and school groups. It is also an informative presentation for professional organizations, local businesses and community groups. In fact, the speakers will come to any group that expresses an interest, whether they are regular, organized groups or an informal gathering of neighbors. We'll bring all the equipment necessary, too, including projectors, booklets and discussion materials.

"The New Neighbors" is as Close as Your Phone. Call Today.

Most clubs, schools, fraternal organizations and community groups schedule speakers several months in advance. So, please don't delay. Call the Speakers Bureau today at 259-3737, Extension 5321 to arrange for a presentation.

Perry Employ- ment Focus: A Community Working Together

Every business day, more than 6,000 people report to work at the Perry Plant. That's more than the total population of many neighboring communities, and more people working together on a single construction project than ever before in the history of Ohio!

The Perry Plant provides employment to workers in almost every sphere of American business and industry, including construction, management, safety planning and hundreds of other on-site positions.

Working for You

The Perry Plant includes two 1,205 megawatt units which will generate electricity to supply the residential, commercial and industrial needs of 7 million residents of northern Ohio and western Pennsylvania. While the plant is owned by a group of five electric utilities (The Illuminating Company, Ohio Edison Company, Toledo Edison Company, Pennsylvania Power Company and Duquesne Light Company), it is being built and managed by The Illuminating Company, which has a 31% share.

During its 14-year construction phase, the Perry Plant will employ thousands of construction and management personnel.

the plant, with many of the jobs filled from local union halls. When the plant becomes operational, it will employ about 900 people in permanent positions. Those employees will earn and contribute more than \$25,000,000 a year to the surrounding communities.

What's more, many area firms will also benefit from the plant's Perry location. Everyday business operations at Perry will require goods and services of every kind, and it's expected that many firms that are suppliers to the energy generation industries will establish local branches here.



The "Multiplier" Effect

In addition to the 900 on-going jobs that will be part of the Perry community, a whole range of goods and services will be needed for employees' families, such as housing, retail outlets, education and health facilities, as well as transportation. Those jobs will add even more to our community — probably more than \$50 million annually will flow into Lake County and surrounding areas!

The plant will provide numerous tax benefits. Payroll taxes paid by Perry workers contribute hundreds of thousands of dollars to local government revenues. Since the plant has been built, property values have not decreased, but have generally increased throughout the area. The result: increased funds for government services, including schools, fire and police protection, roads, health and social services.

Perry's impact on the local economy began more than a decade ago. Like a pebble thrown into a pond, its ripple effect will continue to be felt by thousands of residents in areas surrounding the plant.

Meetings and Tours Open the Door to Area Bus Drivers

A series of meetings, culminating in three days of on-site tours, are underway to introduce local school bus drivers to the Perry Plant. The meetings give drivers the opportunity to ask Illuminating Company employees about the plant, emergency planning and their roles in assuring the safety of school children.

"Thousands of local people will be trained in upcoming months on how to deal with a possible emergency," said Roger Trudeau, Supervisor Emergency Planning. "We've started the process by conducting sessions with school bus drivers, who would be driving the students out of the 10-mile Emergency Planning Zone if evacuation was ever ordered." Roger said that he and members of his staff have already met with school bus drivers in Lake County and with some drivers in Ashtabula County. The meetings had three objectives: to introduce plant Emergency Planning personnel

and explain their role; to inform the drivers about the training they will receive and their possible role in the practice exercise that will be held next year; and to answer questions related to drivers' responsibilities.

Roger stressed that education is the key to understanding that the chance of evacuation from around the plant is minimal, but that drivers must be trained for that possibility.

"We want drivers to know that their participation throughout the entire process (i.e., training, participation in the exercise, or response in an actual emergency) is a volunteer one. And through the education program, drivers will learn they'll have the time to evacuate school children safely should an evacuation ever be ordered," Roger said.

He added that, in most cases, drivers would only make one run from a school to a reception center (usually another school), which will be located outside the 10-mile EPZ. All buses will be assigned a teacher or safety official who will maintain order and assist the driver on the way to the reception center.

"Based on current school populations, we have more than enough buses and drivers to handle any contingency. Buses and drivers can be drawn from outside the 10-mile EPZ to help — if they're needed," Roger said.

"Training bus drivers on what to do in an emergency is an important part of county training procedures," Roger said. "On November 14, 15, and 17, we'll give on-site tours, present a short program, and conduct question-and-answer sessions exclusively for school bus drivers. We want them to ask any questions they have," Roger continued. "When they have the training and knowledge of their roles, we feel most drivers will realize they can contribute to a safe, efficient evacuation, should there ever be need for one."

Perry Information Numbers

For further information about the Perry Plant, construction status or answers to your questions about nuclear energy, please call the Community Relations Section at: 259-3737, Extension 5904.

To arrange a tour of the plant for your club or organization, call 259-3737, Extension 5536.

If you'd like information about the Perry Plant Speakers Bureau, or to schedule a speaker for a group meeting, call Extension 5321.

THE perry
PLANT
The Illuminating Company
Community Relations, R225
P.O. Box 97
Perry, Ohio 44081

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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing were served by deposit in the U.S. Mail, first class, postage prepaid, this 18th day of February, 1984 to those on the service list below.

Susan L. Hiatt
Susan L. Hiatt

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