

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket Nos. 50-440
50-441

OFFICE OF SECRETARY
DOCKETING & SERVICE

AFFIDAVIT OF
JOHN BAER
ON CONTENTION O

County of Dauphin)
) ss
Commonwealth of Pennsylvania)

John Baer, being duly sworn, deposes and says:

1. I am presently Project Manager for Emergency Management Services, Energy Consultants. My business address is 2101 North Front Street, Harrisburg, Pennsylvania 17110. In my position, I am project manager for off-site radiological emergency response planning being provided to Lake, Ashtabula and Geauga Counties with respect to the Perry Nuclear Power Plant. A current statement of my professional and technical qualifications is attached hereto as Attachment "A". I have personal knowledge of the matters stated herein and believe them to be true and correct. I make this affidavit in support of Applicants' Motion for Summary Disposition of Contention O.

2. Contention 0 states that the emergency plans do not adequately set forth plans and procedures for reentry and recovery of property or means for relaxing protection measures, within the plume exposure pathway EPZ. The first thing to bear in mind is that NRC regulatory guidance does not require detailed recovery and reentry planning. The relevant planning standard (M) in NUREG-0654 reads, "General plans for recovery and reentry are developed." Evaluation criterion M.1 calls for the development of "general plans and procedures for reentry and recovery" NUREG-0654, p. 70. General plans are sufficient, because during the recovery/reentry phase of an incident, time is not a constraint. The public is evacuated and removed from the radiation hazard; therefore, emergency response planners have time to develop recovery/reentry actions specific to the incident.

3. The State and county plans address recovery/reentry actions for the affected public. Offsite plans provide for reentry and recovery of property, and the means for relaxing protective measures within the 10-mile EPZ.

4. The state of Ohio plays a primary role in recovery/reentry activities. The Ohio Department of Health activates the Recovery and Reentry Committee, composed of representatives from appropriate State and Federal agencies. The committee reviews radiological data and makes recovery/reentry recommendations for the affected area. State Plan, § II, M, 3.

5. Should property become contaminated during an incident, the Ohio Disaster Services Agency will provide radiological survey teams and supervise decontamination. State Plan, § II, K, 3, A.

6. Provision for the relaxation of protective measures is included in the plan. The Ohio Environmental Protection Agency has adopted the US EPA "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," EPA-520/1-75-001, which establishes criteria for reentry of evacuees. See State Plan, Section III, letter 3. Persons will be allowed to reenter evacuated areas when the potential radiation risk has been averted or reduced to guide levels for members of the general population, i.e., 1 rem projected whole body dose and 5 rem projected thyroid dose. EPA-520/1-75-001, § 1.6.3.9.

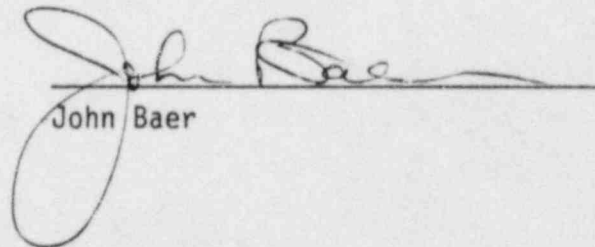
7. The three counties within the plume exposure pathway EPZ rely on the State to identify contaminated areas and coordinate with the State on decontamination and reentry activities. County direction and control groups coordinate with the Ohio Disaster Services Agency and the Ohio Department of Health for decontamination procedures and reentry decisions. Lake County Plan, § M-01 and M-04; Ashtabula County Plan, § M-3; Geauga County Plan, § M-3.

8. Provision for the relaxation of protective measures also appears in the county plans. Lake County Plan, §§ M-01 and M-02; Ashtabula County Plan, § M-2; Geauga County Plan,

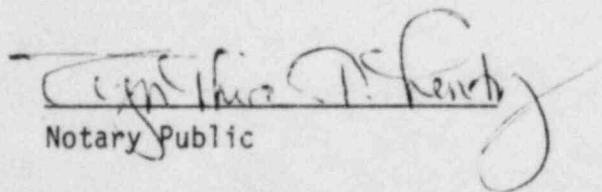
§ M-2. Conditions that must be met before initiation of the recovery phase include:

- Releases of radioactivity are under control and there is no potential for further releases.
- The plant has declared the emergency terminated.
- The State has verified the cessation of releases.
- Contaminated areas are indicated.

9. In summary, the State and county plans adequately address recovery and reentry planning.


John Baer

Subscribed and sworn before
me this 30th day of January, 1985.


Notary Public

My Commission Expires: CYNTHIA T. LENTZ, NOTARY PUBLIC
My Commission Expires August 8, 1987
Harrisburg, PA Dauphin County

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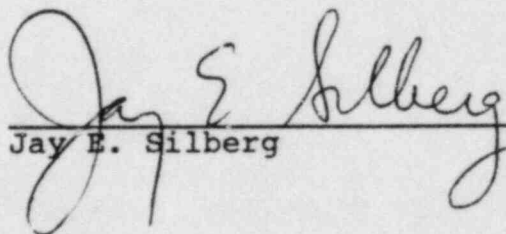
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion For Summary Disposition of Contention O," "Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard on Contention O" and "Affidavit of John Baer on Contention O," were served this 5th day of February, 1985, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List, except for those parties identified by asterisk who were served by hand delivery.



Jay E. Silberg

Dated: February 5, 1985

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