

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 I

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

1. The Perry Nuclear Power Plant ("PNPP") Emergency Plan has consistently had a plume exposure pathway emergency planning zone ("EPZ") of about 10 miles, as called for by 10 C.F.R. § 50.47(c)(2). Affidavit of Daniel D. Hulbert on Contention I ("Hulbert Affidavit"), § 3.

2. The off-site emergency plans for PNPP have adopted the same approximately 10 mile plume exposure pathway EPZ as has the PNPP Emergency Plan. Hulbert Affidavit, ¶ 3.

3. The PNPP Emergency Plan as currently written contemplates protective actions beyond 5 miles. Hulbert Affidavit, ¶ 5.

4. The primary process for determining protective actions under the PNPP Emergency Plan is based upon a comparison of projected doses (calculated from radiological release rate information and meteorological conditions) with the US EPA Protective Action Guideline values, and does not limit evacuation recommendations to five miles. Hulbert Affidavit, ¶ 5.

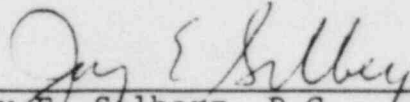
5. An alternate procedure for determining protective actions under the PNPP Emergency Plan compares certain plant data with curves shown in the Plan. Although the specific recommendations associated with the curves extend only to 5 miles, the Plan states that these recommendations may be extended depending upon conditions. Hulbert Affidavit, ¶ 6.

6. To avoid possible confusion, the alternate procedure is being supplemented to specifically state that protective action recommendations can include evacuation of the entire 10 mile EPZ. Hulbert Affidavit, ¶ 7.

7. The three county plans for the plume exposure pathway EPZ have been developed to implement protective actions throughout the entire plume exposure pathway EPZ. Hulbert Affidavit, ¶ 6.

8. The NRC Staff letter dated January 11, 1984, cited by Sunflower, does not address the 5 mile evacuation issue raised in Contention I. Hulbert Affidavit, ¶ 8.

Respectfully submitted,



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