

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))	

AFFIDAVIT OF
DANIEL D. HULBERT
ON CONTENTION I

County of Lake)
) ss
State of Ohio)

Daniel D. Hulbert, being duly sworn, deposes and says:

1. I am presently Emergency Planning Coordinator, Perry Plant Technical Department, The Cleveland Electric Illuminating Company. My business address is 10 Center Road, Perry, Ohio 44081. In my position, I am responsible for developing, maintaining, and evaluating the Perry Nuclear Power Plant (PNPP) Emergency Plan, including coordinating emergency preparedness among various PNPP departments and developing emergency planning documents and specification of response requirements. These responsibilities include the plans and instructions governing protective action recommendations such as off-site evacuation. A current statement of my professional

and technical qualifications is attached hereto. 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 I.

2. Contention I is based on Sunflower's claim that Applicants' emergency plan does not contemplate evacuation beyond five miles of the plant. Sunflower also argues that "the State of Ohio and the three affected counties evidently have adopted these fallacious fundamentals lock, stock, and syndrome" Sunflower Alliance's Particularized Objections to Proposed Emergency Plans in Support of Issue No. 1, dated August 26, 1984, at 16.

3. The PNPP Emergency Plan has consistently had a plume exposure pathway EPZ of about ten miles, as called for by 10 C.F.R. § 50.47(c)(2). See PNPP Emergency Plan, Rev. 3 at § 2.3 and Figure 2-4. All off-site plans have adopted the same EPZ. Ashtabula Plan, App. 5; Geauga Plan, App. 2; Lake Plan, § 2, Figure 2-1; State Plan, Figures II-J-2 to -4, II-J-17.

4. Without any revision to the 10 mile planning basis in the PNPP Emergency Plan, The Cleveland Electric Illuminating Company in a letter dated March 10, 1982, suggested to the NRC that the NRC consider reevaluating the size of the 10 mile plume exposure pathway emergency planning zone. The NRC responded by letter dated April 13, 1982 that it believed that it was "premature to rethink the size of the emergency planning zone." Sunflower's claim that CEI is trying to unilaterally

change the concept of a 10 mile plume exposure pathway EPZ, Sunflower August 26, 1984 Objections, p. 15, is simply wrong.

5. Contrary to Sunflower's claim, the PNPP Emergency Plan does contemplate protective actions beyond five miles. The primary process for determining protective action recommendations, including recommendations for evacuation, is described in § 6.4.2 of the PNPP Emergency Plan, as further detailed in Emergency Plan Implementing Instructions. Projected doses are calculated based upon radiological release rate information and meteorological conditions. The projected doses are then compared to the U.S. Environmental Protection Agency's Protective Action Guideline values ("PAG's") to determine the appropriate protective action recommendations. Since these recommendations are determined from dose calculations, and the Protective Action Guidelines recommend evacuation when projected doses exceed guideline values, the methodology of § 6.4.2 obviously does not limit evacuation recommendations to 5 miles.

6. Sunflower's contention is based on an alternate procedure for recommending protective actions described in § 6.4.3 of the PNPP Emergency Plan. This procedure is based on an assessment of potential releases based primarily on the Primary Containment Radiation Monitoring system, with additional verification provided by core and containment status indications. These readings are compared with curves shown on Figure 4-1 of the PNPP Emergency Plan. Although the specific

protective action recommendations associated with the Figure 4-1 curves extend only to 5 miles (PNPP Emergency Plan, p. 6-11), the Plan explicitly states at that same page that

"assessment activities will continue to determine if additional protective actions should be recommended."

Also on the same page, the Emergency Plan states

"Recommended protective actions may be extended depending on meteorological conditions, population distribution, and condition of roads and major traffic ways."

In addition, all three County plans have been developed to implement protective actions throughout the entire plume exposure pathway EPZ, not just five miles. Ashtabula Plan, § J.2; Geauga Plan, § J-2; Lake County Plan, § J-04.

7. To avoid any possible confusion, Applicants have stated that Section 6.4.3 of the PNPP Emergency Plan will be amended in Revision 4 to add the following:

Additional Protective Action recommendations will be made for the entire EPZ as indicated by assessments performed in accordance with the [Emergency Plan Implementing Instructions]. Possible protective action recommendations made by PNPP may range from no action necessary, to the evacuation of the entire 10 mile Emergency Planning Zone. Recommended protective actions may be extended or modified depending on population distribution, meteorological conditions, and conditions of roads and major traffic ways, following discussions with County and State officials.

See letter from Murray Edelman, Vice President-Nuclear Group, CEI, to B.J. Youngblood, Division of Licensing, NRC, dated January 16, 1985 (emphasis added).

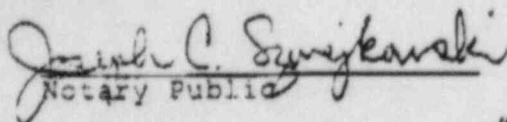
8. Sunflower incorrectly stated that its concern was shared by the NRC Staff as indicated by a January 11, 1984 letter to Applicants. Sunflower Alliance's Particularized Objections to Proposed Emergency Plans in Support of Issue No. 1, dated August 26, 1984, at page 14. None of the comments of the Staff in its January 11, 1984 letter had anything to do with the 5 mile evacuation issue raised by Contention I.

9. In summary, Applicants' emergency plan, as well as the emergency plans of Lake, Ashtabula and Geauga Counties and the State of Ohio contemplate evacuation beyond a 5 mile radius of the Perry plant.



DANIEL D. HULBERT

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


Notary Public

JOSEPH C. SZWEJKOWSKI

Notary Public, State of Ohio - Cuyahoga

My Commission Expires: My Commission Expires July 14, 1988

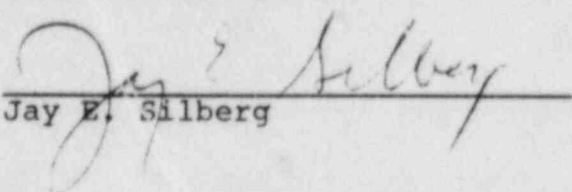
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion For Summary Disposition of Contention I," "Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard on Contention I" and "Affidavit of Daniel D. Hulbert on Contention I," were served this 30th day of January, 1985, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List.



Jay E. Silberg

Dated: January 30, 1985

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