

February 5, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION -8 A10:14

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 G

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

1. Federal regulations do not require the use of KI either for offsite emergency workers or the general public. Mauro Affidavit at ¶ 12.

2. Current federal policy on KI recognizes that decisions on the provision of KI to offsite emergency workers and the public are the prerogative of the responsible state and local governments. Id. at ¶¶ 12-22.

3. The position of the State of Ohio, as set forth by the State Director of Health, is that KI should not be issued for

the general population or offsite emergency workers. Miraldi Affidavit at ¶ 2. The rationale for the State's public health policy decision is stated in the State of Ohio Plan for Response to Radiological Emergencies at Licensed Nuclear Facilities (Edition of 1984), § III, Letter No. 12.

4. All three counties within the Perry EPZ have followed the State's advice concerning KI. Lake County Emergency Response Plan for the Perry Nuclear Power Plant (Rev. 3, October 1984), § K-04; Ashtabula County Radiological Emergency Preparedness Plan (May 10, 1984), § J.5; Geauga County Radiological Emergency Response Plan (Change No. 2 dated July 1984), § J-7.

5. The Ohio policy on KI currently is under review. The Director of the Radiological Health Program of the Ohio Department of Health is empaneling an "Ad Hoc Committee on Potassium Iodide" to review the present policy and make recommendations to the Ohio Department of Health. Miraldi Affidavit at ¶¶ 3-4.

6. The benefits associated with the offsite use of KI are offset by its deficiencies, both for emergency workers and the public. Mauro Affidavit at ¶¶ 3, 36-37.

7. Although KI, if properly used, would significantly reduce the internal dose to the thyroid gland from inhaled or ingested radioiodine, the benefits of KI use in a radiological emergency are questionable. Id. at ¶ 25.

8. Studies have shown that the probability of a large release of radioiodine following a core melt accident is much lower than previously thought. Id. at ¶ 9.

9. There is increasing evidence that radioiodine source terms following severe reactor accidents have been grossly overestimated in the past. Id. at ¶¶ 15, 36.

10. The health consequences of exposure to the thyroid gland from radioiodine are marginal compared to exposure to the whole body from radioiodine and other radionuclides. Id. at ¶ 25.

11. Studies demonstrate that ad hoc measures (e.g., sheltering, or using wetted towels or sheeting) provide protection against exposure to the thyroid comparable to KI, while protecting other organs as well. Id. at ¶ 11.

12. The potential benefits of offsite KI use are so small that the transportation risks associated with stockpiling the drug may alone be sufficient to offset them. Id. at ¶¶ 34-35.

13. The costs of making KI available for use by offsite emergency workers and the public include both economic costs, and potential costs to the public health and safety. Id. at ¶ 26.

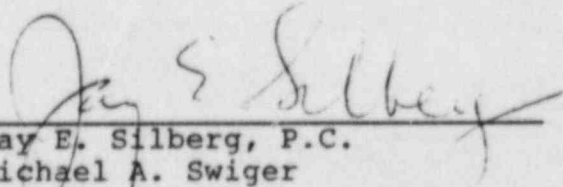
14. Economic costs include the purchase price of the drug, periodic replacement costs (every three years), costs for stockpiling, distributing and monitoring the status of the drug, and administrative expenses. Id. at ¶ 27.

15. Public health costs include numerous potential adverse side effects, including possible effects on newborn children, the elderly, pregnant women, the developing fetus, and people with allergic reactions. Id. at ¶¶ 10, 29-32.

16. Use of KI in an emergency can impact the public safety by interfering with other, more effective, protective measures, such as shelter and evacuation. Id. at ¶¶ 32-33.

17. Requiring the use of KI for the Perry Nuclear Power Plant, either for offsite emergency workers or the public, would not significantly enhance the public health or safety. The decision by the State of Ohio and the Counties of Lake, Ashtabula and Geauga not to use KI is a reasonable one. Id. at ¶ 38.

Respectfully submitted,

  
Jay E. Silberg, P.C.  
Michael A. Swiger

SHAW, PITTMAN, POTTS & TROWBRIDGE  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 822-1000

DATED: February 5, 1985