

February 1, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

FEB -5 49:51

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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 C

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

1. The cited provisions of the radiological emergency response plans clearly and consistently define the role of the County Commissioners as including overall responsibility for local emergency operations. Baer Affidavit, ¶3.

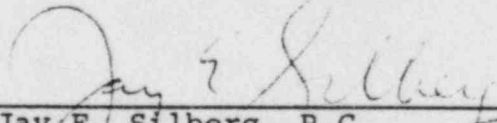
2. Although the emergency organizations among the three counties may differ, the responsibilities and roles of the County Commissioners in the three counties are parallel, as established by the emergency plans. Baer Affidavit, ¶3.

3. The County Commissioners in each of the three counties are charged with direction and control of local

emergency operations; receiving recommendations from the Perry plant, the State, and other sources; making protective action decisions for the public within their respective counties; approving activation of the public alert/notification system within their respective counties; and coordinating with appropriate state agencies to authorize relaxation of protective measures. Baer Affidavit, ¶4.

4. The State of Ohio, under Ohio law, vests the County Commissioners with the authority and responsibility to act as the officials in charge of emergency response. The plans establish the legal authority of the County Commissioners to take the actions under the plan. Baer Affidavit, ¶¶5, 6.

Respectfully submitted,


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

Counsel for Applicants

Dated: February 1, 1985