

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

35 MAR -4 AM 135

In the Matter of )  
 )  
THE CLEVELAND ELECTRIC ) Docket Nos. 50-440 and 50-441  
ILLUMINATING COMPANY )  
 )  
(Perry Nuclear Power Plant, )  
Units 1 and 2) )  
 )

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SUNFLOWER'S STATEMENT OF MATERIAL FACTS  
(CONTENTION J)

Now comes Sunflower Alliance and sets forth the following as material facts which contravene summary disposition Contention J:

1. Applicant admits that as of the time of filing its motion, that 13 EALs were missing from publicly-available emergency plans. Hulbert Affidavit, paras. 4 and 7.

2. Emergency planning regulations require completed Emergency Action Level data. 10 CFR Part. 50, app. E, Sect. IV (C); NUREG-0654, Criterion D.1, Criterion D.2.

3. "It's never over until it's over." Yogi Berra.

Respectfully submitted,

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