

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 J

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

1. Emergency Action Levels ("EAL's") describe specific plant conditions at which one of the four Emergency Classifications is to be declared. Affidavit of Daniel D. Hulbert on Contention J ("Hulbert Affidavit"), ¶ 3.
2. Table 4-1 of the Perry Emergency Plan, Rev. 3 sets forth more than 200 individual EAL's. Hulbert Affidavit, ¶ 4.
3. In Revision 3 of the Perry Emergency Plan, 13 EAL's were "incomplete" because the information to be included was

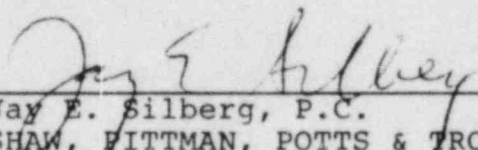
not available at the time that Revision 3 was issued. Hulbert Affidavit, ¶ 4.

4. For each of the 13 EAL's in which a value was to be added later, a comparable value was specified. Hulbert Affidavit, ¶ 5.

5. In each of the 13 cases where the EAL's were "incomplete" in Revision 3 of the Plan, the values have now been developed based on additional detailed information which became available after Revision 3 was issued. Hulbert Affidavit, ¶ 6.

6. The values missing from the 13 EAL's will be included in Revision 4 of the Plan. Hulbert Affidavit, ¶ 6.

Respectfully submitted,


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