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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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 Z

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

1. There is no regulatory requirement or guidance that calls for bus drivers to be provided with protective gear such as respirators and goggles. Affidavit of John Baer on Contention Z ("Baer Affidavit"), ¶ 3.

2. County emergency plans call for bus drivers who will be serving as emergency workers to receive personnel dosimetry, both self-reading and permanent record types, and associated recordkeeping material. Baer Affidavit, ¶ 4.

3. Bus drivers have been receiving, and will continue to receive, training in the use of and recordkeeping for personnel dosimetry. Baer Affidavit, ¶ 5.

4. Bus drivers will wear personnel dosimetry at all times. Procedures require that bus drivers read their dosimeters and record the readings at least once an hour. If the bus driver's self-reading dosimeter shows any radiation exposure, the procedures call for him to report for monitoring and, if needed, decontamination. This monitoring would show any differing exposure levels to different parts of the body. Baer Affidavit, ¶ 5.

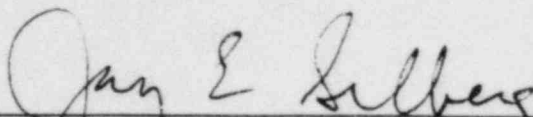
5. Each school district emergency procedure includes information of the distribution and use of personnel dosimetry and the availability of monitoring and decontamination services. Baer Affidavit, ¶ 6.

6. Other factors reducing the chance that bus drivers will be exposed to any radiation hazard include the facts that emergency plans contemplate evacuation before any significant radiation release, bus drivers would spend less time in the plume exposure pathway EPZ than most other emergency workers, each bus has radio communication for prompt receipt and transmission of radiological information, and State and CEI radiation monitoring teams can, if needed, relay radiation information to bus drivers. Baer Affidavit, ¶ 7.

7. Bus drivers do not need protective equipment such as goggles, respirators or protective clothing because they are

well protected against radiation hazards by the dosimetry provided to each driver, the radiation monitoring and communication available, and the plan to evacuate before significant radiation releases occur. Baer Affidavit, ¶¶ 6-7.

Respectfully submitted,



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