

January 30, 1985

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
OPERATIONS & 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 CC

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

1. Supplement 4 to the NRC Safety Evaluation Report, NUREG-0887 (February 1984) reviewed Revision 2 to the Perry Emergency Plan. Affidavit of Daniel D. Hulbert on Contention CC ("Hulbert Affidavit"), ¶ 2.
2. Supplement 4 identified 35 items in Revision 2 of the Perry Emergency Plan which required resolution.
3. By letter dated April 28, 1984, Applicants transmitted to the NRC Staff Revision 3 the Perry Emergency

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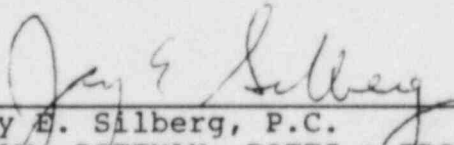
Plan. On August 20, 1984 and October 29, 1984, Applicants transmitted to the NRC Staff additional clarification of changes to the Plan, to be incorporated in Revision 4 to the Plan (scheduled for submission on February 28, 1985). Hulbert Affidavit, ¶ 3.

4. The information contained in Revision 3 and in the subsequent correspondence addresses each of the 35 resolution items identified in Supplement 4. Hulbert Affidavit, ¶¶ 3-4.

5. Applicants' response to each item provided the information requested by the Staff, identified where that information had been previously presented, or demonstrated why the information was not needed or appropriate. Hulbert Affidavit, ¶¶ 4(a)-(ii).

6. The resolution items identified in Supplement 4 are not uncorrected deficiencies in the Perry Emergency Plan as that Plan has been revised.

Respectfully submitted,


Jay E. Silberg, P.C.
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DATED: January 30, 1985