

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 BB

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

1. The Interim Report on Off-Site Radiological Emergency Planning for the Perry Nuclear Power Station, dated January 10, 1984 ("FEMA Interim Report") reviewed draft emergency plans for Lake, Ashtabula and Geauga Counties submitted for review by the State of Ohio in March 1983 and a schedule of corrections received by FEMA in August 1983. Affidavit of John Baer on Contention BB ("Baer Aff."), ¶ 4.

2. The FEMA Interim Report concluded that "there is reasonable assurance that the plans are adequate and capable of being implemented in the event of an accident at the site." Baer Aff., ¶ 3.

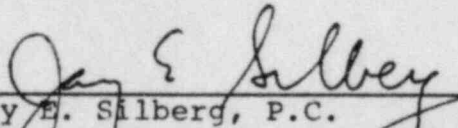
3. More than half of the planning deficiencies identified in the FEMA Interim Report were corrected and the corrective action accepted by FEMA in the Interim Report itself.

Baer Aff., ¶ 4.

4. Each of the plans was revised in response to the FEMA Interim Report and reflects corrective actions to the planning deficiencies. Baer Aff., ¶ 5.

5. An independent review of all the planning deficiencies in the FEMA Interim Report shows that all have been corrected or are being resolved. The few remaining items still being addressed involve emergency information material to be distributed prior to fuel load. Baer Aff., ¶¶ 6-7 and Attachment B.

Respectfully submitted,


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DATED: January 30, 1985

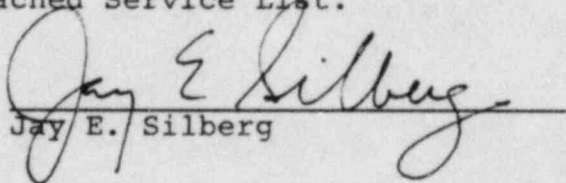
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion For Summary Disposition of Contention BB," "Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard on Contention BB" and "Affidavit of John Baer on Contention BB," were served this 30th day of January, 1985, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List.


Jay E. Silberg

DATED: January 30, 1985

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