

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

76 FEB 25 P1:35

In the Matter of)
THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)
(Perry Nuclear Power Plant,)
Units 1 and 2))
)
)

Docket Nos. 50-440 and

OFFICE OF SECRETARY
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BRANCH

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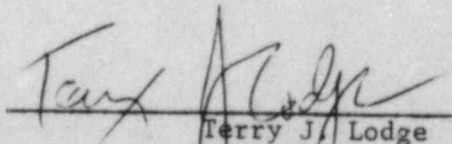
SUNFLOWER'S STATEMENT OF MATERIAL FACTS
(CONTENTION C)

Now comes Sunflower Alliance and sets forth the following in support of its position that Applicant is not entitled to a decision as a matter of law respecting Contention C:

1. Indisputably, county commissioners have certain legal authority to implement emergency measures in the event of a disaster at PNPP.
2. However, county commissioners do not have clear legal authority under Ohio law to declare an emergency, and all relevant plans fail to establish or acknowledge precisely which public official(s) must first declare an emergency before emergency plans may be implemented.

Respectfully submitted,

By



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