

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)

THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)

(Perry Nuclear Power Plant,)
Units 1 and 2))

) Docket Nos. 50-440 and 50-441-H)

* * *

SUNFLOWER'S STATEMENT OF MATERIAL FACTS
(CONTENTION J)

Now comes Sunflower Alliance and sets forth the following as material facts which contravene summary disposition Contention J:

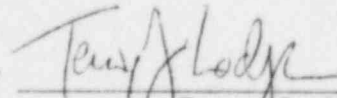
1. Applicant admits that as of the time of filing its motion, that 13 EALs were missing from publicly-available emergency plans. Hulbert Affidavit, paras. 4 and 7.

2. Emergency planning regulations require completed Emergency Action Level data. 10 CFR Part. 50, app. E, Sect. IV (C); NUREG-0654, Criterion D.1, Criterion D.2.

3. "It's never over until it's over." Yogi Berra.

Respectfully submitted,

By



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