

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

85 FEB 25 P1:35

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

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Docket Nos. 50-440 and

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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SUNFLOWER'S STATEMENT OF MATERIAL FACTS  
(CONTENTION A)

Now comes Sunflower Alliance, Intervenor, herein, and sets forth the following in support of its position that there are genuine issues of material fact on Contention A:

1. NUREG -0654 constrains Applicant to give state and local organizations the opportunity to review and comment upon estimated time requirements for confirmation of evacuation. Id. at 61. Nowhere in the State Plan nor in Revision 4 of Applicant's plan is there any mention of a comment opportunity for county engineers of Lake, Geauga and Ashtabula counties.

2. The Affidavit of Scott T. McCandless accompanying Applicant's motion is objectionable on several grounds. First, McCandless expertise is disputed, based upon his lack of relevant education and professional experience. The Affidavit refers only to comment opportunities by "officials" and "DSA Directors" of the affected counties and comment opportunities are not specified by date nor were comments rendered. No mention is made of county engineer comments. At para. 6 of the Affidavit, McCandless states that comments "will be submitted to the NRC with the next revision of the ETE."

3. NUREG-0654 imposes the obligation that

Where significant costs may be involved, preliminary estimates of the cost of implementing these recommendations will be given.

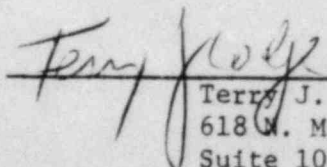
Id. at 4-10.

Nowhere in the State Plan, Revision 4 of Applicant's plan, nor by Affidavit is it shown that such estimates have been compiled, rendered, nor subjected to comment.

4. Applicant's Affidavit reflects no input or agreement by county engineers from the three affected counties as to the sufficiency of the data, assumptions, or time/weather condition scenarios used in the ETE study.

Respectfully submitted,

By

  
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