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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

Docket Nos. 50-440 and 50-441

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SUNFLOWER'S ANSWER TO MOTION FOR SUMMARY  
DISPOSITION OF CONTENTION A

By 10 CFR Section 2.749(d), Applicant must show that there is no genuine issue as to any material fact and that it is entitled to a decision as a matter of law. The record is to be viewed in the light most favorable to the party opposing the motion. Poller v. Columbia Broadcasting System, Inc., 368 U.S. 464, 473 (1962); Pennsylvania Power & Light Co., and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2), LBP-81-8, 13 NRC 335, 337 (1981).

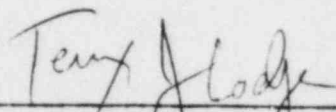
Here, it is clear that Applicant has used an affidavit painting with quite a broad brush. "Meetings" with "officials" of the three affected counties have been held, with vague comment opportunities given. No evidence of county engineer input-certainly indispensable in reviewing evacuation routes and time requirements-appears. And there is a clear failure by Applicant to evidence the making, much less publicization, of cost estimates per NUREG-0654. Finally, the bland assurances that public comments "will be submitted" in the future is certainly not proof that compliance with planning guidance exists today.

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For all of the foregoing reasons, Sunflower prays the Board  
dismiss Applicant's summary disposition request as to Contention A.

Respectfully submitted,

By



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