

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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In the Matter of)
THE CLEVELAND ELECTRIC) Docket Nos. 50-440 and)
ILLUMINATING COMPANY) OFFICE OF SECRETARY)
(Perry Nuclear Power Plant,) Docketing & Service)
Units 1 and 2) BRANCH)
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SUNFLOWER'S ANSWER TO MOTION FOR SUMMARY
DISPOSITION OF CONTENTION B

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).

From the statement of material facts and accompanying affidavit, it is quite obvious that Applicant has used the artifice of self-serving, conclusory statements parlayed as fact to gloss over glaring inadequacies in emergency planning to minimize evacuation route impediments. Weather scenerios embrace ice flows and excessive water as well as snow. Worse, while repeated references to redundant equipment capabilities appear in Applicant's "evidence," Sunflower has demonstrated that no agreements for the intergovernmental sharing or commitment of such resources exist. Mentor, Ohio officials have apparently had no discussions engendered by Applicant

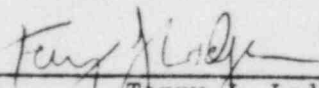
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concerning the use of Mentor equipment in an evacuation emergency related to
PNPP.

Once again, considerable controversion of a factual nature is
present, and Applicant's pray for summary disposition on Contention B must
be denied.

Respectfully submitted,

By



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