UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

185 FEB 25 P1:35

In the Matter of	OFFICE OF SECRETARY
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY	Docket Nos. 50-440 and the BRANCH
(Perry Nuclear Power Plant, Units 1 and 2)	
)

SUNFLOWER'S STATEMENT OF MATERIAL FACTS (CONTENTION B)

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

- 1. Eyewitness evidence of extremely adverse recent weather conditions affecting the vicinity of PNPP includes snow and ice floes. Louth Affidavit; Brotzman Ai idavit, para. 2, 3, 4; Boyd Affidavit, para. 2, 6.
- Snow removal resources can be strained even by an unexceptional winter. Boyd Affidavit, para. 5.
- Snow removal is adversly affected by traffic congestion.
 Boyd Affidavit, para. 3.
- 4. Mentor, Ohio officials have never been contacted by Applicant concerning weather-related evacuation problems. Boyd Affidavit, para. 4.
- 5. Mentor's snow removal resources are the subject of no agreement with any other unit of government to be made available for use outside Mentor during a PNPP-induced evacuation. Boyd Affidavit, para. 6.
- 6. No letters of agreement appear in Applicant's State, or county plans from any tow truck operators.

- 7. No intergovernmental agreements for sharing of commitments of road-clearing equipment appear in Applicant's State or county plans.
- 8. The Evacuation Time Estimate study nowhere assumes extraordinary snow removal requirements.
- 9. Applicant's, State, and county plans reveal no input from county engineers of Lake, Geauga, or Ashtabula counties-yet these elected officials are responsible for snow removal from county highways.
- 10. Bootstrapping a conclusion into fact, as is attempted by Applicant's Winter's Affidavit, para. 4, does not give substantive evidence to Applicant's belief that road clearance will be easy during a blizzard.
- 11. Applicant's witnesses include a bachelor of science in law enforcement with 31/2 years background in emergency consulting work and an "expert" with only a bachelor of science degree in chemistry, neither of whom displays meterorlogical expertise.

Respectfully submitted.

By Teny Cally
Terry J. Lodge
618 N. Michigan Street

Toledo, Ohio 43624 Phone: (419) 255-7552

Counsel for Sunflower Alliance