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	)	Docket Nos. 50-440 and
(Perry Nuclear Power Plant, Units 1 and 2)	)	

* * *

SUNFLOWER'S ANSWER IN OPPOSITION TO
SUMMARY DISPOSITION (CONTENTION M)

By 10 CFR Section 2.749 (d), Applicant must show that there genuine issue as to any material fact and that it is entitled to a decis 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 Allegh Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 a 2), LBP-81-8, 13 NRC 335, 337 (1981).

As the Sunflower "Statement of Material Facts" depicts, Applicant is woefully unprepared, directly or indirectly, for independent monitoring, and in noncompliance with hard regulation. 10 CFR §50.47(b)(9) does, indee require adequate offsite equipment. It simply is not there. The State of Ohio uses vans which would have to be dispatched from near Columbus, Ohio to the PNPP site. The Ohio Department of Health continues not to have adequate facilities to handle "hot" samples for analysis. Emergency officials demonstrated unfamiliarity with sampling techniques at the PNPP drill held in November, 1984.

In sum, the facts are not in favor of a granting of Applicant's

motion, and it therefore must be denied.

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