

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board MAR -4 AM 1:35

In the Matter of)
)
THE CLEVELAND ELECTRIC) Docket Nos. 50-440 and 50-441
ILLUMINATING COMPANY)
)
(Perry Nuclear Power Plant,)
Units 1 and 2))
)

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SUNFLOWER'S MEMORANDUM IN OPPOSITION TO SUMMARY
DISPOSITION OF CONTENTION Q

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).

While Applicant cites superficially impressive data, the facts do not support a conclusive view of total preparedness for the use of school buses.

There is considerable credible authority that maintains that population overreaction in an emergency cannot be overlooked or minimized. See J.H. Johnson and D.J. Zeigler, "Distinguishing Human Responses to Radiological Emergencies," 59 Economic Geography 386 (October, 1983), wherein an analysis of households on Long Island indicated that fewer than one-third would follow instructions in the wake of a serious accident at Shoreham Nuclear Power Station. See also Ronald W. Perry, "Incentives for Evacuation in Natural Disaster: Research-Based Community Emergency Planning," American Planning Association Journal,

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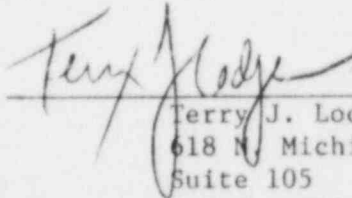
October, 1979, wherein the author discusses anxiety of separated family members during emergencies and the tendency to return to previously-evacuated areas.

Besides the glaring omission from Ashtabula County's RERP of letters of commitment of school buses from relevant school districts, the accompanying Niznik Affidavit demonstrates that parents call schools if buses are even as little as 10 minutes late in returning children home after school in the best of times. Applicant's glittering generalities cast little light on this issue.

WHEREFORE, Sunflower prays that summary disposition be denied.

Respectfully submitted,

By



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