

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
JAN 4 1981

Before the Atomic Safety and Licensing Board

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

\* \* \*

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

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).

As the Niznik Affidavit accompanying Sunflower's response to Contention Q depicts, training of any sort for bus drivers who would be involved in evacuating members of the public has been considerably less than Applicant's assertions. Ms. Niznik avers that she has had no training in dosimetry, the offsite plans or specific driver duties. This lack alone comprises a compelling reason to require bus drivers to have access to protective gear such as respirators and goggles, much less training needed on routes.

Applicant also attempts to persuade the Board to indulge in a fantastic, and quite contradicted, assumption. At para. 6 of its "Statement of Material Facts," Applicant claims:

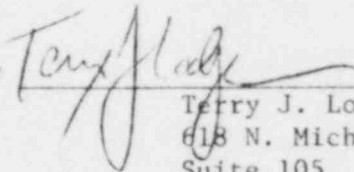
Other factors reducing the chance that bus drivers will be exposed to any radiation hazard include the facts that emergency plans contemplate evacuation before any significant radiation release....

This is false. At p. 4-32 of the PNPP Plan, evacuation is "contemplated" only after EALs measure 1 rem whole body/5 rem thyroid. Perhaps in Disneyland such levels are not significant, but this distortion does not play well in Northeastern Ohio. It renders painfully subjective and inclusive the self-serving declaration that bus drivers are "well protected."

WHEREFORE, the motion for summary disposition should be dismissed.

Respectfully submitted,

By



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