

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 BB

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).

Once again, Applicant has sought to bootstrap broad assurances that it will correct deficiencies into contingent licensing approval of its emergency preparation.

Far from being merely emergency information material distribution problems as Applicant suggests, unresolved deficiencies according to FEMA include adequacy of medical personnel for decontamination, and inadequate radiation field monitoring, among other difficulties. FEMA's "Exercise Report" details these and a host of other concerns. See also McTrusty Affidavit, accompanying Sunflower's response in opposition to summary disposition of Contention P.

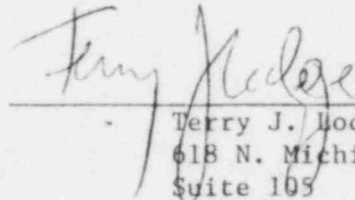
The genuine issues of material fact are substantive, and Applicant

must be put to the production of substantive proof that the problems are corrected.

WHEREFORE, Sunflower prays that summary disposition be denied.

Respectfully submitted,

By



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