

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

MAR -4 AM 1:36

Before the Atomic Safety and Licensing Board

SECRETARY
DOCKETING & SERVICE
DIVISION

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 CC

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).

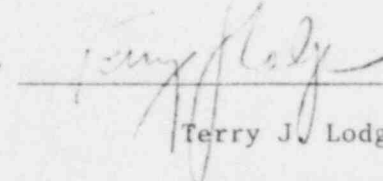
Applicant refers to "letters" and other correspondence having been sent to the Nuclear Regulatory Commission clarifying changes to the PNPP plan. Applicant's "Statement of Material Facts," para. 3. To date, while ostensibly these items are purportedly to be included in a fourth revision of the PNPP plan, such has not appeared in any public fashion. Inasmuch as the modifications must be made to the plan, it would be quite premature to grant summary disposition until the changes claimed

have been verified.

WHEREFORE, Sunflower Alliance prays the Board to deny summary disposition of Contention CC.

Respectfully submitted,

By



Terry J. Lodge

618 N. Michigan Street

Suite 105

Toledo, Ohio 43624

Phone: (419) 255-7552

Counsel for Sunflower
Alliance