UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

* * *

SUNFLOWER'S ANSWER TO MOTION FOR SUMMARY
DISPOSITION OF CONTENTION G

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 & Supply Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2), LBP-81-8, 13 NRC 335, 337 (1981).

Applicant agrees the State of Ohio policy on potassium iodide availability is predicated on a 1980 letter authored by the Director of of the Ohio Department of Health. See FEMA Interim Report. App. A.

10 CFR Section 50.47(b)(10) requires offsite plans to demonstrate:

> A range of protective actions have been developed for the plume exposure pathway EPZ for emergency workers and the public. Guidelines for the choice of protective actions during an emergency, consistent with Federal guidance, are developed and in place, and protective actions for the ingestion exposure pathway EPZ appropriate to the local have been developed.

(emphasis supplied)

The use of stable iodine as a protective action for emergency workers has been the recommendation of the U.S. Environmental Protection

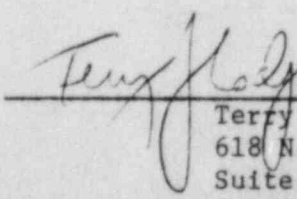
Agency for four (4) years. EPA Manual of Protective Actions Guides, supra at 1.42. Furthermore, CEI recommends it for its own workers, in concurrence with U.S. Food and Drug Administration regulations promulgated in 1982. Finally, NUREG-0654 requires (at 63) that plans show "(p)rovisions for the use of radioprotective drugs."

State officials announced in May, 1984 that the Department of Health is forming an advisory group to research the use of KI tablets. Sunflower urges that the offsite plans not be approved unless KI supplies are maintained for workers and the general public.

As the accompanying affidavit from Phillip M. Schmidt attests, the U.S. Food and Drug Administration eclipsed the qualifications of ODH in 1982 when it provided firm federal guidance for use of KI in radiation emergencies.

For the foregoing reasons, Sunflower urges that the motion for summary disposition be denied, and that this contention be set for hearing.

Respectfully submitted,

By 

Terry J. Lodge
618 N. Michigan Street
Suite 105
Toledo, Ohio 43624
Phone: (419) 255-7552

Counsel for Sunflower Alliance