

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

85 FEB 25 P1:36

In the Matter of

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY

(Perry Nuclear Power Plant,
Units 1 and 2)

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Docket Nos. 50-440

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

By 10 CFR Sect. 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 seeks, in disquieting fashion, to verbalize an appropriate commitment to 10 mile potential evacuation radius. The Hulbert Affidavit announces at para. 7 that wording of the PNPP Emergency Plan will be amended to encompass the possibility of evacuation out to a 10 mile EPZ. This "commitment" occurred only because of "confusion" presumably in the minds of the Sunflower Alliance membership. Sunflower remains "confused," in light of the fact that PNPP protective action recommendations extend only to 5 miles with a nebulous commitment to continuous assessment activities. PNPP Emergency Plan, p. 6-11.

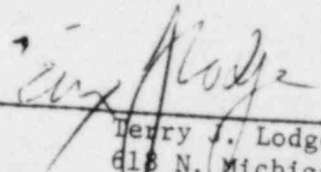
Hopefully, the Board will not accept this paper change as substantive evidence of any intention by Applicant to conform its emergency planning

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philosophy with the mandatory language of 10 CFR Section 50.47 (c)(2), and will deny summary disposition.

Respectfully submitted,

By



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