

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

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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 and
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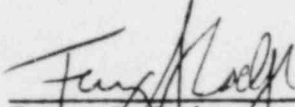
SUNFLOWER'S ANSWER IN OPPOSITION TO
SUMMARY DISPOSITION (CONTENTION M)

By 10 CFR Section 2.749 (d), Applicant must show that there
genuine issue as to any material fact and that it is entitled to a decision
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 Sunflower "Statement of Material Facts" depicts, Applicant
is woefully unprepared, directly or indirectly, for independent monitoring,
and in noncompliance with hard regulation. 10 CFR §50.47(b)(9) does, indeed,
require adequate offsite equipment. It simply is not there. The State
of Ohio uses vans which would have to be dispatched from near Columbus,
Ohio to the PNPP site. The Ohio Department of Health continues not to
have adequate facilities to handle "hot" samples for analysis. Emergency
officials demonstrated unfamiliarity with sampling techniques at the PNPP
drill held in November, 1984.

In sum, the facts are not in favor of a granting of Applicant's

motion, and it therefore must be denied.



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