

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)

)
) Docket Nos. 50-440 and
) OFFICE OF SECRETARY
) DOCKETING & SERVICE
) BRANCH
)
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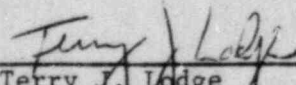
SUNFLOWER'S ANSWER IN OPPOSITION TO
SUMMARY DISPOSITION (CONTENTION P)

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).

Contrary to Applicant's presentation, it is evident from Sunflower's material facts that Ashtabula County Medical Center does not possess the physical facilities nor the trained personnel to handle a major radiation release accident at Perry. Dr. Robert McTrusty, M.D., acting Ashtabula County Medical Center's Disaster Planning Liaison Physician, has rendered an affidavit depicting some of the shortfalls he sees at his facility.

For all of the reasons attested, summary disposition should be denied.

Respectfully submitted,


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G PDR

Counsel for Sunflower Alliance

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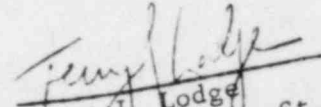
SUNFLOWER'S STATEMENT
(CONT'D)

Now comes Sunflower Alliance
concerning which a genuine

1. Radiation control
mode of injury and not
known. Affidavit

2. A radiation
of nontraumatic
of the NUREC
McTrusty

Respectfully submitted,



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Counsel for Sunflower All