

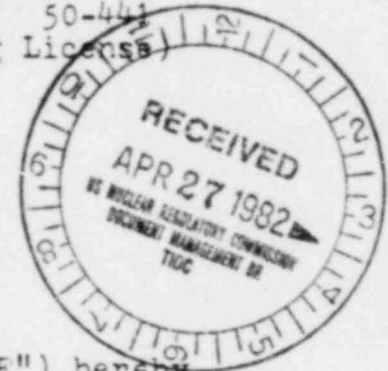
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

April 20, 1982

Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
CLEVELAND ELECTRIC ILLUMINATING )  
COMPANY, Et Al. )  
 )  
(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-140  
50-441  
(Operating License)



MOTION TO STAY DISMISSAL OF ISSUE #2

Ohio Citizens for Responsible Energy ("OCRE") hereby moves the Licensing Board to stay the dismissal of Issue #2. The dismissal of this issue was sought by the Applicants in their April 7 Motion due to the Commission's adoption of a final rule on financial qualifications (47 FR 13750, March 31, 1982).

OCRE does not doubt that the Board would dismiss this issue, as such action is in accordance with the final rule. OCRE is in disagreement with this rulemaking, but it is to no avail to argue its merits herein, as this matter is out of the Board's hands. However, OCRE believes that the circumstances of this proceeding are such that the dismissal of this issue would pose a grave threat to the well-being of OCRE members and the general public.

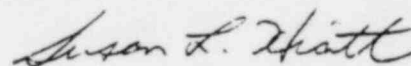
Due to the substantial level of public participation in the rulemaking, it is possible that one or more of the commenters on the rule may choose to challenge it in court. If the Board were to dismiss Issue #2 at this time, and, subsequently, the rule is successfully challenged in court, OCRE fears that intervenors would face a formidable obstacle in

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seeking the re-admission of the issue. OCRE believes that a stay on the dismissal of Issue #2, pending possible court challenge of the final rule, is appropriate to avoid burdensome filings and unnecessary delay at a later date.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan L. Hiatt".

Susan L. Hiatt  
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing MOTION TO STAY DISMISSAL OF ISSUE #2 were served by deposit in the U.S. Mail, first class, postage prepaid, this 21st day of April, 1982 to those on the Service List below.

Susan L. Hiatt  
Susan L. Hiatt

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