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September 25, 1985

DOCKETED
USNRC

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Dr. W. Reed Johnson
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Howard A. Wilber
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Cleveland Electric Illuminating Co. (Perry Nuclear Power
Plant, Units 1 and 2), Docket Nos. 50-440 and 50-441OL

Dear Appeal Board Members:

On September 23, 1985 Intervenor Ohio Citizens for Responsible Energy ("OCRE") was notified that the Appeal Board had rejected OCRE's Motion for a Stay Pendente Lite (filed September 19) as illegible and that OCRE would have until Friday, September 27, 1985 to resubmit the motion.

Because of the ten page limit on stay motions imposed by 10 CFR 2.788(b), OCRE used a printer setting of 18 characters per inch horizontal spacing so that its arguments would be more than "scattergun charges . . . in the most cursory form." Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-794, 20 NRC 1630, 1632 (1984). While resulting in print smaller than customarily used, this action does not violate the Commission's rules of practice, and the print in the motion is larger than that found in newspapers, telephone books, and the Federal Register.

Because photocopying may have caused the illegibility, OCRE has enclosed (but has not served on the parties) original printouts of the motion using 18 character per inch print.

In the event that this is still unacceptable, OCRE has enclosed (and served on the parties) a version of the motion in larger print. Unfortunately, much material had to be deleted to remain within the ten page limit with the larger print. OCRE would therefore respectfully request that, if possible, the Appeal Board accept the smaller print version of the motion as that version contains the most comprehensive and thorough analysis of the need for a stay.

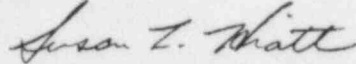
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OCRE regrets any delay or inconvenience resulting from the small-print motion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan L. Hiatt".

Susan L. Hiatt
OCRE Representative
8275 Munson Rd.
Mentor, OH 44060
(216) 255-3158

Enclosures: as stated
cc: Service List