

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

Before Administrative Judges:  
Peter B. Bloch, Chairman  
Dr. Jerry R. Kline  
Mr. Frederick J. Snon

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In the Matter of

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
Docket Nos. 50-440-0L  
50-441-0L

CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, et al.

SERVED OCT 12 1982

(Perry Nuclear Power Plant, Units 1 & 2)

October 8, 1982

MEMORANDUM AND ORDER  
(Concerning Motion to Sever Unit 2 From This Proceeding)

On September 7, 1982, Ohio Citizens for Responsible Energy (OCRE) requested the severance of Unit 2 from this proceeding, based largely on Cleveland Electric Illuminating Company, et al.'s July 21, 1982 motion to amend the construction permits for the Perry reactors to allow Unit 1 to be completed in November 1985 and Unit 2 to be completed in November 1991. However, OCRE did not provide us with any reason to reconsider our decision of September 9, 1981, rendered with respect to an identical motion by the Sunflower Alliance Inc., et al. In that decision we ruled:

Sunflower has not persuaded us that it is necessary to divide this proceeding into two at this time. However, as the proceeding draws to a close, Sunflower will be provided with the opportunity to argue that it has pending contentions that must be resolved before the Board can recommend that an Operating License be issued for Perry Unit 2, which is still in early stages of construction. At that time, issues that are unique to Unit 2 will not have been adjudicated and Sunflower will have a full and fair opportunity to prevail on this argument.

LBP-81-35, 14 NRC 682, 685 (1981).

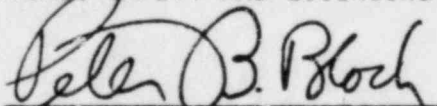
OCRE also will have the opportunity to demonstrate, at the conclusion of the evidentiary hearing, that there are open issues that should prevent us from authorizing the licensing of Unit 2. But we still are not persuaded to address this issue now.

Therefore, in consideration of the entire record, it is

ORDERED:

That Ohio Citizen's for Responsible Energy's September 7, 1982, Motion to Sever is denied.

FOR THE  
ATOMIC SAFETY AND LICENSING BOARD

  
Peter B. Bloch, Chairman  
ADMINISTRATIVE JUDGE

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Bethesda, Maryland

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