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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKET
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'85 FEB -1 AIO:21

Administrative Judges:

Alan S. Rosenthal, Chairman
Dr. W. Reed Johnson
Gary J. Edles

January 31, 1985

OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

SERVED FEB 1 1985

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

Docket Nos. 50-440 OL
50-441 OL

ORDER

Intervenor Sunflower Alliance, Inc. (Sunflower) has noted an appeal from the Licensing Board's January 10, 1985 memorandum and order (unpublished) in this operating license proceeding¹, as amended in a January 14, 1985 erratum.

Because it appears that all of the rulings contained in the memorandum and order are wholly interlocutory in character, Sunflower is directed to show cause no later than Friday, February 15, 1985 why its appeal should not be dismissed. See 10 CFR 2.730(f); Puget Sound Power and Light Co. (Skagit/Hanford Nuclear Power Project, Units 1 and 2), ALAB-712, 17 NRC 81, 82 (1983), and cases there cited. Upon

¹ Although characterized as "exceptions" to that memorandum and order, we are treating Sunflower's filing as a notice of appeal. See 10 CFR 2.762(a).

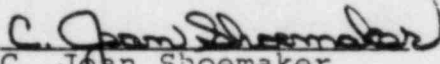
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receipt of its submission, we will determine whether responses from the other parties to the proceeding are necessary. Additionally, pending our further order, the running of the time period for the filing of Sunflower's brief in support of its appeal is tolled.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

Dr. Johnson did not participate in this order.