

985
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

In the Matter of:)

THE CLEVELAND ELECTRIC ILLUMINATING)
CO., et. al.)

(Perry Nuclear Power Plant, Units)
1 and 2))

Docket Nos. 50-440 OL
50-441 OL

GRANTED

) For the Appeal Board

) C. James Shoemaker 10-30-85
) Secretary to the Appeal Board

SUNFLOWER'S MOTION FOR LEAVE TO FILE BRIEF INSTANTER

Now comes Sunflower Alliance, by and through counsel, and moves the Court for leave to file its brief on the merits in this appeal instanter. By order of this Board, Sunflower's Brief was due for filing on October 25, 1985. However, due to logistical difficulties and the personal illness of counsel for Sunflower on October 24 and 25, 1985, it was simply not possible to meet that deadline.

Sunflower represents that no party hereto will be prejudiced by the granting of this motion, and further that the actual date of delivery of this Brief to the parties - October 30, 1985 - is the final date by which it could have been served under the rules of service had the Brief been served on October 25, 1985.

WHEREFORE, Sunflower prays the Board allow its Brief to be filed instanter.

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Counsel for Sunflower Alliance

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CERTIFICATION

I hereby certify that a copy of the foregoing Motion was served by me this 29th day of October, 1985 upon the parties appearing on the attached Service List, via guaranteed mail.

Terry Jonathan Lodge
Terry Jonathan Lodge

DS03

SERVICE LIST

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD



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

Docket Nos. 50-440 OL
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CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of October, 1985, I mailed a copy (first page only) of the Appeal Board's grant by stamp endorsement of "Sunflower's Motion for Leave to File Brief Instanter," dated October 29, 1985, to each of the following:

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C. James Deem
Secretary to the Appeal
Board

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