

August 14, 1980

**REGULATORY DOCKET FILE COPY**

Multiple Addressees  
(See Attached List)

In the Matter of  
METROPOLITAN EDISON COMPANY, ET AL.  
(Three Mile Island, Unit 1)  
Docket No. 50-289

Dear Parties and Participants:

As it was requested to do at the prehearing conference held in Harrisburg on August 11-13, 1980, the Staff is sending a copy of ALAB-382 to parties and participants in this proceeding.

Sincerely,

James M. Cutchin, IV  
Counsel for NRC Staff

Enclosure: As stated

cc w/o enclosure:  
Ivan W. Smith, Esq.  
Dr. Walter H. Jordan  
Dr. Linda W. Little  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Michael C. Farrar, Chairman  
Dr. Lawrence R. Quarles  
Richard S. Salzman

In the Matter of

Docket Nos. 50-329  
50-330

CONSUMERS POWER COMPANY

(Midland Plant, Units 1 and 2)

March 18, 1977

Upon motion by intervenors seeking directed certification of the Licensing Board order denying their request for financial assistance, the Appeal Board holds that the Commission's determination in CLI-76-23, NRCI-76/11, 484, is dispositive of the motion. That determination ruled out assistance to intervenors in adjudicatory proceedings generally and expressly rejected consideration of such requests on a case-by-case basis.

Motion denied.

RULES OF PRACTICE: CERTIFICATION OF ISSUES TO THE COMMISSION

Appeal boards have jurisdiction over certification motions (10 CFR §2.718); certification motions directed to the Commission by individual parties are unauthorized (10 CFR §2.785(d)).

COMMISSION PROCEEDINGS: FINANCIAL ASSISTANCE TO PARTICIPANTS

The NRC has an express policy against financing intervenors in its adjudicatory proceedings. *Nuclear Regulatory Commission* (Financial Assistance to Participants in Commission Proceedings), CLI-76-23, NRCI-76/11, 484 (1976).

RULES OF PRACTICE: CERTIFICATION

A request for directed certification is an exception to the Commission's general rule against allowing interlocutory appeals. Such requests may be granted only in "exceptional circumstances."

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