

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL PANEL

Alan S. Rosenthal, Chairman



In the Matter of)
METROPOLITAN EDISON COMPANY ET AL.)
(Three Mile Island Nuclear Station,)
Unit 1))

Docket No. 50-289

SERVED AUG 28 1981



MEMORANDUM

August 28, 1981

On August 27, 1981, the Licensing Board rendered a partial initial decision in this proceeding. LBP-81-32, 14 NRC _____. The decision was served on the parties the same day by mail.

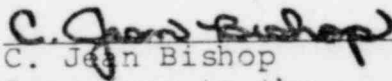
As noted by the Licensing Board (slip opinion, p. 338), the decision is subject to appeal at this time by the filing of exceptions thereto with an Appeal Board. By virtue of the provisions of 10 CFR 2.762(a), taken in conjunction with 10 CFR 2.710, the period for the filing of exceptions will expire on September 11, 1981.^{1/} Upon application and for good cause shown, however, the deadline may be extended. 10 CFR 2.711(a).

^{1/} Section 2.762(a) stipulates that exceptions must be filed "[w]ithin ten (10) days after service of an initial decision". Section 2.710 states that "[w]henever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, five (5) days shall be added to the prescribed period". Thus, the exceptions here are due 15 days after the service of the partial initial decision on August 27.

DSB 2
11/0
ADD:
ASLAP-529EW

In normal circumstances, applications for extensions of time to file exceptions to an initial decision are addressed to the Appeal Board assigned to the particular proceeding. For administrative reasons, however, it is extremely unlikely that an Appeal Board will be constituted for this proceeding by September 11. Accordingly, any applications for extensions of the time within which to file exceptions should be addressed to the Chairman of the Appeal Panel. In order to enable him to act on a timely basis, the application must be received by him no later than September 10. See Appendix A to 10 CFR Part 2, Section IX(d)(3).

FOR THE APPEAL PANEL
CHAIRMAN


C. Jean Bishop
Secretary to the
Appeal Panel