

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

DOCKETED
USHRC

Administrative Judges:

'82 OCT 21 A10:34

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

_____)
In the Matter of)
METROPOLITAN EDISON COMPANY,) Docket No. 50-320 OLA
ET AL.)
(Three Mile Island Nuclear)
Station, Unit No. 2))
_____)

SERVED OCT 21 1982

ORDER

October 20, 1982

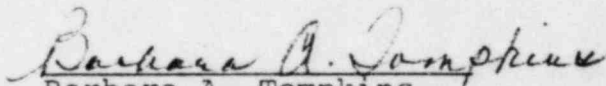
Applicants request leave to file by November 15, 1982 a petition seeking reconsideration of a portion of ALAB-692, 16 NRC ____ (September 14, 1982). In a simultaneously filed document, they have requested the Commission to extend its period for review sua sponte of ALAB-692 until 40 days after our final disposition of the matter.

Conditioned upon the grant by the Commission of the relief sought of it, the applicants' request of us is granted. We note in passing, however, our belief that the applicants should have earlier made known their purpose to ask for reconsideration of ALAB-692. It may be that 10 CFR 2.771(a) (establishing a ten day period for the filing of a petition for reconsideration of a "final decision") does not apply to Appeal Board decisions such as ALAB-692. Nonetheless, it is reasonable to expect that

a party inclined to seek reconsideration will alert us to that fact with some alacrity. In this instance, five weeks elapsed between the rendition of ALAB-692 and the filing of the applicants' request. We find in the applicants' papers no justification for such an extended interval -- which, as earlier noted, has required us to condition our grant of the request upon the Commission's willingness to extend its review period for ALAB-692 (and thus to remove any question respecting our continuing jurisdiction to entertain a petition for reconsideration).

It is so ORDERED.

FOR THE APPEAL BOARD


Barbara A. Tompkins
Secretary to the
Appeal Board