

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'82 NOV 30 P3:37

Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Stephen F. Eilperin, Chairman  
Thomas S. Moore  
Dr. Reginald L. Gotchy

NOV 30 1982

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In the Matter of )  
 )  
THE DETROIT EDISON COMPANY )  
 )  
(Enrico Fermi Atomic Power Plant, )  
Unit 2) )  
\_\_\_\_\_ )

Docket No. 50-341 OL

John R. Minock, Ann Arbor, Michigan, for the intervenor  
Citizens for Employment and Energy.

Arden T. Westover, Sr., Monroe County, Michigan, for  
the Monroe County Board of Commissioners.

ORDER

November 30, 1982

Citizens for Employment and Energy (CEE) has requested clarification as to whether the appeal of Monroe County from the Licensing Board's October 29, 1982 initial decision is to be treated as an appeal under 10 CFR 2.714a or as an appeal under 10 CFR 2.762. See LBP-83-96, 16 NRC \_\_\_\_\_. The former section governs appeals from orders wholly denying petitions for leave to intervene while 10 CFR 2.762 governs appeals from initial decisions. CEE is concerned with this question because it desires to file a brief in support of

the County's position. 1/

In a separate request, Monroe County has asked for a 14 day extension of time in which to file its exceptions to the board's initial decision.

Although the Licensing Board's decision denying Monroe County's intervention petition was made in the course of the board's initial decision, the decision was nevertheless a denial of an intervention petition insofar as Monroe County is concerned. Thus, Monroe County's appeal lies under 10 CFR 2.714a governing intervention appeals, rather than 10 CFR 2.762 which requires prior party status.

However, because the parties may have been confused by the last paragraph of the initial decision which made reference to the time periods specified for appeals from initial decisions rather than the shorter time periods provided by 10 CFR 2.714a, CEE is granted ten (10) days after the date of issuance of this order in which to file a brief in support of Monroe County's intervention appeal.


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1/ It is unclear whether CEE wants to file a brief in support of Monroe County's intervention appeal, or a brief addressed to the merits of the initial decision. For the reasons given in text only Monroe County's intervention appeal is properly before us. CEE's supporting brief (should it file one) should be addressed to the intervention question.

Only parties have a right to appeal initial decisions. Monroe County never achieved party status in this proceeding. Because of that, its request for an extension of time in which to file exceptions is denied.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board