

February 28, 1983

Note to: Dr. J. Nelson Grace
Director, CRBRPO

From: Sherwin E. Turk
OELD

50-537

This note addresses the sequence of events which may follow the issuance of a partial initial decision (PID) by the Licensing Board in the CRBR proceeding. As you know, the Licensing Board has announced an intention to issue the PID by the end of February.

Pursuant to 10 C.F.R. § 2.762, any party may appeal from the PID by filing numbered exceptions within 10 days after service of the PID and by filing a supporting brief within 30 days after service of the exceptions (or 40 days for the Staff). Briefs are to be filed by the other parties within 30 days after service of the appellant's brief (or 40 days for the Staff). Pursuant to 10 C.F.R. § 2.710, whenever pleadings are to be filed by a certain date after service of an order or other pleading, and such service is made by mail, another five (5) days are added to the prescribed period.

In accordance with these provisions, assuming that (1) a PID is issued favorable to the issuance of an LWA, (2) the PID is issued on February 28, 1983, and (3) an appeal is filed by the Intervenors, the following will be the schedule:

PID	2/28/83
Intervenors' Exceptions	3/15/83
Intervenors' Brief	4/14/83
Applicants' Brief	5/19/83
Staff's Brief	5/31/83

In the event that the PID is adverse in whole or in part to the Staff's position, and the Staff determines that an appeal should be filed, the following schedule will apply:

PID	2/28/83
Staff's Exceptions	3/10/83
Staff's Brief	4/19/83
Applicants' and Intervenors' Briefs	5/24/83

8303020019 830228
PDR ADDCK 05000537
G PDR

The filing of an appeal would not necessarily affect the date on which the PID would become effective. Rather, 10 C.F.R. § 2.764 provides for a 60-80 day period in which the Appeal Board and Commission must determine whether the PID should be stayed. Until that review is completed, an LWA could not be issued. It should be noted, in this regard, that the filing of exceptions to the PID could serve to alert the Appeal Board and Commission of errors committed by the Licensing Board, and might thereby affect the determination as to whether a stay should be ordered.

Please do not hesitate to contact me if you have any questions concerning these matters.

Sherwin E. Turk
Counsel for NRC Staff

DISTRIBUTION

S. Turk
G. Mizuno
S. Treby
M. Karman

2507

OFC	:OELD	set	:OELD	set	:	:	:	:	:	:
NAME	:STurk/les	:	:SATreby	:	:	:	:	:	:	:
DATE	:02/24/83	:	:02/28/83	:	:	:	:	:	:	: