

354.
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED

BEFORE THE ATOMIC SAFETY AND LICENSING ~~APPEAL BOARD~~ 25
85 FEB -4 1985

In the Matter of)
)
CONSUMERS POWER COMPANY) Docket Nos. 50-329 OM & OL
) 50-330 OM & OL
(Midland Plant, Units 1 and 2)

MOTION FOR EXTENSION OF TIME WITHIN WHICH
TO FILE NOTICE OF APPEAL OF LICENSING BOARD'S
PARTIAL INITIAL DECISION

On January 23, 1985, the Atomic Safety and Licensing Board in the above-captioned case issued a Partial Initial Decision (remedial soils issues). Pursuant to 10 C.F.R. § 2.762(a) the normal period for filing a notice of appeal would expire on Monday, February 4, 1985. The Partial Initial Decision is a document of 361 pages exclusive of appendices containing much very complex matter, both legal and technical, to be digested. Portions of this document may have significant implications for the Applicant in other fora. The Applicant requires significant additional time to assess the various implications and analyze whether, and if so which, procedural steps are appropriate. The requested additional time is necessary to enable the company to consider various options with respect to the Partial Initial Decision such as, for example, whether to seek reconsideration or appeal. Accordingly, the Applicant hereby requests, pursuant to 10 C.F.R. § 2.711(a), that this Appeal Board grant it an

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extension of 30 days, to and including March 6, 1985, within which to file a notice of appeal. The Applicant has already requested from the Licensing Board an identical extension of the time within which to file a petition for reconsideration of the Partial Initial Decision, and Judge Bechhoefer has agreed by telephone to grant the requested extension. Counsel for the NRC Staff and counsel for intervenor Ms. Stamiris have stated that they have no objection to the granting of the requested extension.

Respectfully submitted,

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Dated: February 1, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD 85

FEB -4 P2:25

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OFFICE OF THE DIRECTOR
DOCKETING & SERVICE
PLANT

CERTIFICATE OF SERVICE

I, Frederick C. Williams, one of the attorneys for Consumers Power Company, hereby certify that copies of the Motion for Extension of Time Within Which to File Notice of Appeal of Licensing Board's Partial Initial Decision were served upon all persons shown in the attached service list by deposit in the United States mail, first class, postage prepaid, or by hand delivery as indicated by asterisk this 1st day of February, 1985.

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