

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY)	Docket Nos. 50-3
OF NEW YORK, INC. and)	50-247
POWER AUTHORITY OF THE)	50-286
STATE OF NEW YORK)	(Show Cause - Seismic)
(Indian Point Station,)	
Units 1, 2 and 3))	

LICENSEES' MOTION FOR EXTENSION OF
TIME IN WHICH TO RESPOND TO CCPE'S
REQUEST TO STAY ISSUANCE OF A FULL-
TERM, FULL-POWER OPERATING LICENSE
FOR INDIAN POINT UNIT NO. 3

By pleading dated January 23, 1976, Citizens' Committee for the Protection of the Environment ("CCPE") requested this Atomic Safety and Licensing Appeal Board ("the Appeal Board") to enter an order staying the issuance of a full-term, full-power operating license for Indian Point Unit No. 3 ("Indian Point 3"). Pursuant to §§ 2.711(a) and 2.730(c) of the Rules of Practice of the Nuclear Regulatory Commission ("the Commission"), Consolidated Edison Company of New York, Inc. and Power Authority of the State of New York ("Licensees"), as co-holders of Facility Operating License No. DPR-64, hereby move for an extension of time in which to file an answer to CCPE's request. This motion for an extension is filed within the period prescribed by

§ IX(d) (3) of Appendix A to the Rules of Practice. In support of this Motion, Licensees state as follows:

1. The CCPE pleading was hand-delivered to counsel for Licensees at approximately 6:00 p.m. on Friday, January 23, 1976. Under § 2.730(c) of the Rules of Practice, Licensees would be entitled to respond no later than Friday, January 30, 1976. For the reasons indicated below, however, it is respectfully requested that Licensees be allowed a further period of one business day in which to respond (i.e., delivery to the Appeal Board's offices by the close of business, Monday, February 2, 1976).

2. The request for stay raises important questions concerning the interpretation of the Commission's regulations as well as the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2011 et seq. (1970). These questions include (1) the propriety of the "reasonable assurance" licensing standard applied by the Commission; (2) the interaction between the Atomic Safety and Licensing Board hearing process and the role of the Director of Nuclear Reactor Regulation under § 2.760a of the Rules of Practice; (3) the proper construction of the Commission's Memorandum and Order instituting this proceeding on August 4, 1975, and its Memorandum and Order of December 2, 1975 authorizing issuance of a full-term, full-power operating license for Indian Point 3; and (4) an evaluation of the CCPE moving

Papers from the standpoint of compliance with the standards applied by the Commission and the Appeal Board with respect to the issuance of stays. Even if analysis of and response to CCPE's submittal were restricted to the illustrations noted above, it is evident that complex questions are presented. The interests of Licensees as well as the public interest will be served by a studied response.

3. Lead counsel for Licensees in the captioned proceeding, Harry H. Voigt, is also lead counsel for the applicant in Public Service Company of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), Dkt. Nos. STN-50-546 and STN-50-547. A special prehearing conference was held in that case in Madison, Indiana on January 27-28, 1976, for which Mr. Voigt's presence was essential. On January 26, 1976, it was necessary for Mr. Voigt to meet with counsel for several intervenors in that case, also in Madison, Indiana.


4. No prejudice will accrue to any other party from the granting of the requested extension of time. Since the response of the Regulatory Staff is not required to be filed until 10 days after service on it of the CCPE request, no additional delay will be occasioned by the extension here sought.

For the foregoing reasons, Licensees request that they be allowed the further period indicated in paragraph 1 above in which to respond to CCPE request for a stay.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY and MacRAE

By


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January 29, 1976

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CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of January, 1976 served the foregoing document entitled "Licensees' Motion for Extension of Time in Which to Respond to CCPE's Request to Stay Issuance of a Full-Term, Full-Power Operating License for Indian Point Unit No. 3" by mailing copies thereof, first-class postage prepaid and properly addressed, or by hand delivery, to the persons listed below:

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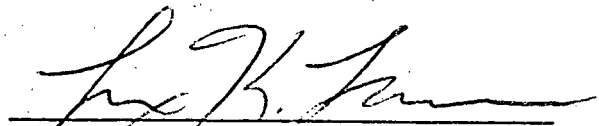
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