

Yellow
2-7-73

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
CONSOLIDATED EDISON COMPANY OF)	Docket No. 50-286
NEW YORK, INC.)	
)	
(Indian Point Nuclear Generating Station,)	
Unit No. 3))	

ANSWER OF AEC REGULATORY STAFF
TO REQUEST FOR EXTENSION OF TIME
AND LEAVE TO FILE CONSOLIDATED REPLY

On January 29, 1973, Hudson River Fisherman's Association (HRFA) and Save Our Stripers (SOS), petitioners for leave to intervene in the above-captioned proceeding, requested "leave to consolidate their reply" to answers filed by the regulatory staff and applicant regarding petitioners' January 2, 1973 motion to consolidate Docket Nos. 50-247 and 50-286.

Petitioners also requested an extension of time until February 9, 1973 to file such a consolidated reply and specified that this reply would address both initial and final answers to the motion to consolidate filed by staff and applicant.

Under the provisions of 10 CFR § 2.730, the moving parties, who in this instance are petitioners HRFA and SOS, "shall have no right of reply, except as permitted by the presiding officer or the Commission." Petitioners'

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PDR ADOCK 05000286
G PDR

hearing

January 29 request is not a request for leave to file a reply to the answers of applicant and staff, and the staff feels that pursuant to 10 CFR § 2.730 petitioners' request should be denied. Should petitioners' request for leave to consolidate their reply be treated as a request to file a reply, the staff feels that petitioners have set forth no basis for granting such leave in this instance and therefore again opposes petitioners' request.

The staff notes that under 10 CFR § 2.706, "A party may file a reply to an answer within five (5) days after it is served." That provision, however, is found within regulations (10 CFR § 2.703 - 2.707) dealing with notices of hearing and answers and replies thereto, and should not be construed as applying to motions. Otherwise the provisions of 10 CFR § 2.730, and more particularly their prohibition of replies in the absence of permission from the presiding officer or the Commission, would make no sense.

Respectfully submitted,



Edward Lyle
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 7th day of February, 1973.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Request for Extension of Time and Leave to File Consolidated Reply", dated February 7, 1973, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 7th day of February, 1973:

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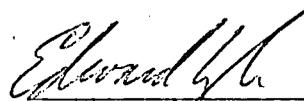
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