

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

9/26/74

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

APPLICANT'S MOTION FOR LEAVE TO  
FILE CONSOLIDATED REPLY TO ANSWERS TO  
MOTION FOR FUEL LOADING, SUBCRITICAL  
AND LOW-POWER TESTING, AND LIMITED  
OPERATING LICENSE

On August 12, 1974, the Attorney General of the State of New York filed an answer in opposition to the motion filed by Consolidated Edison Company of New York, Inc. ("Applicant") for a fuel loading, subcritical and low-power testing and limited operating license under section 50.57(c) of the Atomic Energy Commission's regulations.

The submission of the Attorney General offers a variety of observations which, if credited, might lead the Board into serious errors of construction of the Commission's regulations and the National Environmental Policy Act of 1969.

Similarly, Applicant notes that the answer filed by the Regulatory Staff on September 16, 1974 also raises a serious question of policy and interpretation by omitting any reference to the applicable Commission regulation.

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With the prior leave of the Atomic Safety and Licensing Board, Applicant is submitting a reply to the answer of Hudson River Fishermen's Association ("HRFA") and Save Our Stripers ("SOS") to the motion under Section 50.57(c).

Since these answers raise many of the same issues, a consolidated reply by Applicant is appropriate.

WHEREFORE, pursuant to 10 C.F.R. § 2.730(c) (1974), Applicant respectfully moves the Board for leave to file a reply to the Attorney General's answer, renews its August 15, 1974 motion for leave to reply to the Regulatory Staff, and moves for leave to consolidate its replies in the attached tendered document.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

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September 26, 1974