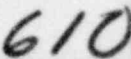


Before the Commission

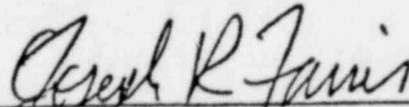


On February 11, 1980, the Applicants filed the following three documents: (1) Motion to Strike Response of the Attorney General to ALAB-573; (2) Applicant's Response to Inquiry by Appeal Board concerning the Need to Consider the Consequences of Class 9 Accidents in this Proceeding; and (3) Motion to Dismiss Class 9 Accident Inquiry. Intervenor move, therefore, pursuant to 10 C.F.R. Part II, Section 2.710 to strike the aforesaid pleadings by Applicants because all three were filed beyond the period of time specified by the Appeal Board in ALAB-573.

Although Intervenor have frequently argued before the Atomic Safety and Licensing Board that this proceeding should be decided on its merits rather than on hyper technical procedural requirements, Intervenor have just as frequently been on the receiving end of adverse rulings based upon such rules of practice and procedure. Indeed, Applicants seek to strike the response of the Attorney General to ALAB-573 because the State of Oklahoma was not a "party" at the environmental hearing phase of this litigation. Applicants' hyper technical position in its Motion to Strike the Response of the State of Oklahoma is typical in these proceedings, and Intervenor submit that if these important issues are to be decided upon such strict rules of procedure, Applicant, having chosen to live by the sword, should die by the sword.

For the foregoing reason, the responses of the Applicants to ALAB-573 should be stricken as being filed out of time.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joseph R. Farris". The signature is written in dark ink and is positioned above a horizontal line.

---

Joseph R. Farris  
One of the Attorneys for the  
Intervenors

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Commission



In the Matter of the Application of )  
Public Service Company of Oklahoma, )  
Associated Electric Cooperative, Inc. )  
and )  
Western Farmers Electric Cooperative )  
(Black Fox Units 1 and 2) )

Docket Nos.  
STN 50-556  
STN 50-557

CERTIFICATE OF SERVICE

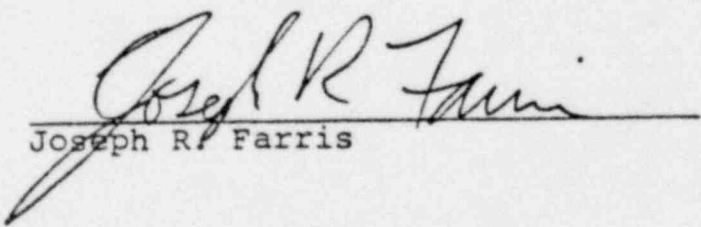
I, Joseph R. Farris, one of the attorneys for Citizens Action for Safe Energy (C.A.S.E.), certify that copies of the following:

Intervenors' Response to Applicants'  
Motion to Strike Response of the  
Attorney General to ALAB-573

and

Intervenors' Motion to Strike (1)  
Applicant's Motion to Dismiss Class 9  
Accident Inquiry: (2) Motion to Strike  
Response of the Attorney General to  
ALAB-573; (3) Applicant's Response to  
Inquiry by Appeal Board Concerning the  
Need to Consider the Consequences of Class  
9 Accidents in This Proceeding,

have been served on the persons shown on the attached list by United States Mail, postage prepaid, this 26th day of February, 1980.

  
Joseph R. Farris

Chairman Joseph M. Hendrie  
United States Nuclear  
Regulatory Commission  
Washington, D. C. 20555

Commissioner Richard T. Kennedy  
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Washington, D. C. 20555

Commissioner Victor Gilinsky  
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Commissioner Peter A. Bradford  
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Office of the Secretary of the  
Commission  
United States Nuclear  
Regulatory Commission  
Washington, D. C. 20555  
(20 copies)

Atomic Safety and Licensing  
Board Panel  
United States Nuclear  
Regulatory Commission  
Washington, D. C. 20555

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