CAPIDIO, MAKEN, EINSTHIA LOCK

LAW OFFICES

PERFERENCES N. LOHINGTON, THOMISE LA INCHES

JENNER & BLOCK

ONE IBM PLAZA

CHICAGO, ILLINOIS 60611

(3)21 222-3330

January 26, 1973

DECKET NUMBER -

MY AND THE THE TOTAL THE T



Arthur W. Murphy, Esq., Chairman Atomic Safety and Licensing Board Columbia University School of Law Box 38, 435 W. 116th Street New York, New York 10027

Re: Dockets 50-329 and 50-330

Dear Mr. Chairman:

HE HAS IN STORY AUGHNOUN

THE COURT OF THE C

We received Applicants' response to our motion of January 7, 1973 to have the Licensing Board declared biased. We have also received the Regulatory Staff's response.

The Applicants' response is dated January 17, 1973 and the Regulatory Staff's response is dated January 22, 1973. The Rules of Practice provide that answers to motions must be filed within five days of service and an additional three days is permitted in the event the motion is mailed. Thus, it appears that Applicants and the Regulatory Staff's motions are untimely and the Board should (and we hereby request that it) ignore such filings. These filings were not accompanied by a motion or any showing of cause as to why they were so late.

Intervenors in this case have had to carry many burdens and criticisms whenever they asked for an extension of time to file a pleading. Here, the Applicants and the Regulatory Staff just filed a paper late without any justification.

We would also note that if the rules adopted in July are applicable the Regulatory Staff is still late since its filing of January 22 is more than thirteen days after the filing of our motion (ten days for reply plus three days for mailing).

Wherefore, we request that the Licensing Board treat our motion as uncontested as required under the rules.

> THIS DOCUMENT CONTAINS POOR QUALITY PAGES

MMC/mb

cc: Licensing Board Secretary USAEC All commsel of record 8007280 829

- Respectfully,

Myron' H. Cherry Attorney for Intervenors