



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of :  
WESTINGHOUSE ELECTRIC CORPORATION : Docket No. 70-2909  
(Alabama Nuclear Fuel Fabrication :  
Plant Special Nuclear Material :  
License) :

WESTINGHOUSE ELECTRIC CORPORATION'S  
MOTION FOR EXTENSION OF TIME IN WHICH TO FILE  
RESPONSE TO DAVID L. ALLRED'S CONTENTIONS

Westinghouse Electric Corporation ("Westinghouse" or "Applicant") hereby moves the Atomic Safety and Licensing Board (the "Board") for an extension of time within which to file a response to the contentions submitted in this proceeding by David L. Allred ("Allred") until thirty days after the Board has ruled on the request by Allred to withdraw from this proceeding. The withdrawal request by Allred was set forth in a "Joint Motion for Substitution of Named Intervenor" (the "Substitution Motion") dated November 10, 1980, filed by Allred and Cathalynn Donelson ("Donelson"). If the Board determines in ruling on the Substitution Motion that further filings are required by Allred and/or Donelson, for purposes

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of identification of which, if any, of the Allred contentions are intended to be pursued, Westinghouse further requests that the date for filing a response to the Allred contentions be established as thirty days after the provision of such information by Allred.

The present motion for extension of time is filed under 10 C.F.R. §§ 2.711 and 2.730, and in support thereof Westinghouse states as follows:

1. David L. Allred filed two sets of contentions in this proceeding on August 5, 1980 ("Proposed Valid Contentions of Intervenor David L. Allred"), and October 1, 1980 ("Additional Proposed Contentions of Intervenor David L. Allred").

2. Efforts among representatives of the NRC Staff, Applicant and Allred to arrive at a stipulation concerning the proposed contentions were halted as a result of Allred's advising that he was withdrawing his Petition for Leave to Intervene.

3. On November 10, 1980, Allred, in the Substitution Motion, stated that he "must withdraw from participation in the instant proceeding." Allred and Donelson asked the Board to allow the substitution of Donelson as a named intervenor for Allred. On November 10, 1980, Donelson independently filed an untimely Petition for Leave to Intervene.

4. On November 24, 1980, Westinghouse filed an Answer to the Substitution Motion stating that it did not object to the withdrawal of Allred from all participation in the instant proceeding. On the same date, Westinghouse filed an Answer to the Donelson Petition for Leave to Intervene and the attempt to substitute Donelson for Allred as a party to the proceeding. In that Answer, Westinghouse opposed the Intervention Petition and so much of the Substitution Motion as seeks to allow such substitution.

5. The status of Allred in this proceeding is now in doubt. Therefore, until the Board rules on the pending motions, Westinghouse believes it is appropriate to defer the filing of a response to the contentions which Allred proposes.

Accordingly, Westinghouse requests the Board for an extension of time in which to file its response to the contentions filed by David L. Allred.

Respectfully submitted,

/s/ Barton Z. Cowan

/s/ John R. Kenrick/BZC  
Eckert, Seamans, Cherin & Mellott

/s/ Donald R. Marcucci/BZC  
Law Department  
Westinghouse Electric Corporation

Counsel for  
Westinghouse Electric Corporation

Dated: December 9, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Westinghouse Electric Corporation's Motion for Extension of Time in Which to File Response to David L. Allred's Contentions" were served upon the persons listed on Attachment 1 to this Certificate of Service by deposit in the United States Mail (First Class), postage prepaid, this 9th day of December, 1980.

/s/ Barton Z. Cowan  
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Barton Z. Cowan

Counsel for  
Westinghouse Electric Corporation

ATTACHMENT 1

John F. Wolf, Esquire, Chairman  
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State of Alabama  
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State Office Building  
Montgomery, Alabama 36104

Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety and Licensing Appeal Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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