

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Louis J. Carter, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

DOCKETED
DEC 22 1981
NOV 50
SECRETARY
OF THE COMMISSION
DOCKETING & SERVICE

In the Matter of:

CONSOLIDATED EDISON COMPANY OF
New York, Inc.

(Indian Point, Unit No. 1)

POWER AUTHORITY OF THE STATE OF
NEW YORK, INC.

(Indian Point, Unit No. 3)

Docket Nos. 50-247 SP
50-286 SP

December 21, 1981



MEMORANDUM AND ORDER
(Practice and Procedures)

Some of the papers that have been submitted in this proceeding have not been properly filed. To assist in assuring that documents are filed according to the NRC rules and as a convenience for parties and petitioners, attached hereto are copies of the sections of 10 C.F.R. Part 2 which set forth the pertinent procedural rules governing the filing of documents in NRC procedures. Parties and petitioners shall comply with those rules.*/

In addition, because of the large number of petitioners and the unyielding timetable which must be followed in this proceeding, the

*/ The original and two conformed copies of pleadings and other filed documents referred to in 10 C.F.R. § 2.708(d) should be sent to the Secretary of the Commission. All other persons, including the members of the Board, may be served with conformed copies.

8112230184 811221
PDR ADOCK 05000247
G PDR

DSO2
1/1

Board is imposing certain additional procedures designed to ease the burden of all participants. The parties and petitioners are directed to adhere to the following practice:

- A. The letters "SP" (to designate "Special Proceeding") should follow the docket numbers.
- B. The date of execution or filing of each document should be placed on the first page, two to four lines below the docket numbers, stating the month, day and year.

(For an example of the two preceding procedures, see the caption of this Memorandum and Order.)
- C. If a document contains 10 or more pages, provide the following:
 - 1) A cover page which includes a table of contents and a list of all attachments; it may be single spaced.
 - 2) Beneath the title, insert a preface or preliminary statement which
 - (a) summarizes the contents,
 - (b) states the relief requested and the reasons therefore, and
 - (c) states the date the relief is needed and why.
 - 3) The name, address and telephone number of the attorney or representative filing the document shall appear at the bottom of the cover page.
- D. Different motions or pleadings should be submitted as separate documents. For example, answers to interrogatories should not be combined with a motion to compel answers.
- E. The title of each document should, at the start, succinctly identify the filing party and the matter being addressed. For example, "Consolidated Edison's Response to NRC Staff's Motion to"

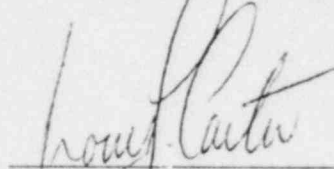
For the reasons set forth above, it is this 21st day of December,

1981

ORDERED

That the parties and petitioners to this proceeding shall in all future filings comply with the rules set forth in 10 C.F.R. Part 2 and with the procedures described in this Memorandum and Order.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

A handwritten signature in dark ink, appearing to read "Louis J. Carter", is written over a horizontal line.

Louis J. Carter, Chairman
ADMINISTRATIVE JUDGE

Attachment:
As stated

oath or affirmation of reasons why the proposed order or action should not be issued or should differ from that proposed. Such a statement, if accepted, will be accorded whatever weight is deemed proper.

§ 2.706 Reply.

A party may file a reply to an answer within ten (10) days after it is served.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

(27 FR 377, Jan. 13, 1962, as amended at 43 FR 17801, Apr. 26, 1978)

§ 2.707 Default.

On failure of a party to file an answer or pleading within the time prescribed in this part or as specified in the notice of hearing or pleading; to appear at a hearing or prehearing conference, to comply with any prehearing order entered pursuant to § 2.751a or § 2.752, or to comply with any discovery order entered by the presiding officer pursuant to § 2.740, the Commission or the presiding officer¹ may make such orders in regard to the failure as are just, including, among others, the following:

(a) Without further notice, find the facts as to the matters regarding which the order was made in accordance with the claim of the party obtaining the order, and enter such order as may be appropriate; or

(b) Proceed without further notice to take proof on the issues specified.

(37 FR 15131, July 28, 1972)

§ 2.708 Formal requirements for documents.

(a) Each document filed in an adjudication subject to this part to which a docket number has been assigned shall bear the docket number and title of the proceeding.

(b) Each document shall be bound on the left side and typewritten, print-

¹When a reference is made to the Commission or the presiding officer in this subpart and a presiding officer has been designated, the specified action will be taken by the presiding officer, unless otherwise provided.

ed or otherwise reproduced in permanent form on good unglazed paper of standard letterhead size. Each page shall begin not less than one and one-quarter inches from the top, with side and bottom margins of not less than one and one-quarter inches. Text shall be double-spaced, except that quotations may be single-spaced and indented. The requirements of this paragraph do not apply to original documents or admissions, copies offered as exhibits, or to specially prepared exhibits.

(c) The original of each document shall be signed in ink by the party or his authorized representative, or by an attorney having authority with respect to it. The capacity of the person signing, his address, and the date shall be stated. The signature of a person signing in a representative capacity is a representation that the document has been subscribed in the capacity specified with full authority, that he has read it and knows the contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed, or is signed with intent to defeat the purpose of this section, it may be stricken.

(d) Except as otherwise provided by this part or by order, a pleading (or other document) other than correspondence shall be filed in an original and two conformed copies.

(e) The first document filed by any person in a proceeding shall designate the name and address of a person on whom service may be made.

(f) A document filed by telegraph need not comply with the formal requirements of paragraphs (b), (c), and (d) of this section if an original and copies otherwise complying with all of the requirements of this section are mailed within two (2) days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section.

(27 FR 377, Jan. 13, 1962, as amended at 28 FR 10153, Sept. 17, 1963; 33 FR 6708, May 5, 1968; 39 FR 35332, Oct. 1, 1974; 45 FR 49537, July 25, 1980)

§ 2.709 Acceptance for filing.

A document which fails to conform to the requirements of § 2.708 may be refused acceptance for filing and may be returned with an indication of the reason for nonacceptance. Any matter so tendered but not accepted for filing shall not be entered on the Commission's docket.

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, five (5) days shall be added to the prescribed period.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

[28 FR 10153, Sept. 17, 1963, as amended at 43 FR 17801, Apr. 26, 1978]

§ 2.711 Extension and reduction of time limits.

(a) Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may for good cause be extended or shortened by the Commission or the presiding officer, or by stipulation approved by the Commission or the presiding officer.

(b) In any instance in which this part does not prescribe a time limit for an action to be taken in the proceeding, the Commission or the presiding officer may set a time limit for that action.

[37 FR 15131, July 28, 1972]

§ 2.712 Service of papers, methods, proof.

(a) *Service of papers by the Commission.* Except for subpoenas, the Com-

mission will serve all orders, decisions, notices, and other papers issued by it upon all parties.

(b) *Who may be served.* Any paper required to be served upon a party shall be served upon him or upon the representative designated by him or by law to receive service of papers. When a party has appeared by attorney, service must be made upon the attorney of record.

(c) *How service may be made.* Service may be made by personal delivery, by first class, certified or registered mail including air mail, by telegraph, or as otherwise authorized by law. Where there are numerous parties to a proceeding, the Commission may make special provision regarding the service of papers.

(d) *When service complete.* Service upon a party is complete:

(1) By personal delivery, on handing the paper to the individual, or leaving it at his office with his clerk or other person in charge or, if there is no one in charge, leaving it in a conspicuous place therein or, if the office is closed or the person to be served has no office, leaving it at his usual place of residence with some person of suitable age and discretion then residing there;

(2) By telegraph, when deposited with a telegraph company, properly addressed and with charges prepaid;

(3) By mail, on deposit in the United States mail, properly stamped and addressed; or

(4) When service cannot be effected in a manner provided by paragraphs (d) (1) to (3) inclusive of this section in any other manner authorized by law.

(e) *Proof of service.* Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, and may be made by:

(1) Written acknowledgment of the party served or his counsel;

(2) The certificate of counsel if he has made the service; or

(3) The affidavit of the person making the service.

(f) *Free copying and service.* Except in an antitrust proceeding, in any adjudicatory proceeding on an application for a license or an amendment thereto, the Commission, upon request by a party other than the applicant, will copy and serve without cost to that party that party's testimony (including attachments), proposed findings of fact and conclusions of law, and responses to discovery requests. These documents should be filed with Docketing and Service not less than five days before they are due to be submitted to an adjudicatory board, unless the presiding officer provides otherwise.¹

[27 FR 377, Jan. 13, 1962, as amended at 28 FR 10153, Sept. 17, 1963; 31 FR 4390, Mar. 15, 1966; 45 FR 49537, July 25, 1980]