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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

*84 NOV 21 A10:14

Administrative Judges:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Howard A. Wilber

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
November 20, 1984

SERVED NOV 21 1984

In the Matter of)
)
LOUISIANA POWER & LIGHT COMPANY)
)
(Waterford Steam Electric Station,)
Unit 3))

Docket No. 50-382 OL

ORDER

In a motion filed November 16, 1984, applicant requests an extension of time until November 30, 1984, in which to respond to Joint Intervenors' November 8, 1984, motion to reopen the record on three new issues and motion for protective order. By the same filing, applicant requests that the date for the NRC staff's reply to the motions be extended to December 5, 1984. The reasons given for the extension requests are the length of the motion to reopen and scheduling problems presented by the upcoming Thanksgiving holiday.¹

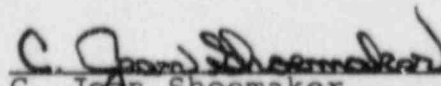
¹ We attempted several times yesterday and today to learn from their counsel whether Joint Intervenors object to applicant's extension request. Having failed to receive an answer, we thus assume that they have no objection. In any event, we regard applicant's request as reasonable in the circumstances.

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The motion is granted. We are compelled to correct, however, applicant's understanding of the original due date for its replies. According to the accompanying certificate of service, Joint Intervenors' motions were hand-delivered to both applicant and the staff on November 8. Under the Commission's Rules of Practice, 10 C.F.R. §§ 2.710 and 2.730(c), the replies for applicant and the staff would have been due November 19 and 23, respectively -- not November 23 and 28, as stated in applicant's motion. If the certificate of service for Joint Intervenors' motions was inaccurate as to the time and method of service, it was incumbent upon applicant to notify us of that fact in its extension request. Further, in the event they believe otherwise, it is not within the province of the parties to negotiate their own filing dates. While we encourage opposing parties to agree on dates acceptable to one another, we must be advised of such agreements and, of course, the ultimate discretion to set such dates rests with us.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board