



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of the Application of)	
Public Service Company of Oklahoma,)	
Associated Electric Cooperative, Inc.)	Docket Nos. STN 50-556
and)	STN 50-557
Western Farmers Electric Cooperative)	
))	
(Black Fox Station, Units 1 and 2))	

APPLICANTS' MOTION FOR EXTENSION OF TIME

Public Service Company of Oklahoma, Associated Electric Cooperative, Inc. and Western Farmers Electric Cooperative ("Applicants") move the Atomic Safety and Licensing Appeal Board ("Appeal Board"), pursuant to 10 CFR § 2.711(a), for an extension of time from November 22, 1978, until December 15, 1978, to file their brief in response to "Intervenors' Brief In Support of Appeal From Partial Initial Decision." This Motion requests an additional 23 days, including weekends and holidays, during which to prepare Applicants' Brief. The November 22, 1978 filing date was set by the Appeal Board by Memorandum and Order (ALAB-498) dated September 21, 1978, in response to a previous motion for extension of time filed by Applicants on September 11, 1978.

Argument

Applicants' previous request for an extension of time was based on the fact that Applicants' attorneys in this

proceeding were required to devote virtually all of their time to the preparation for safety hearings in this proceeding, which were then scheduled and did commence the day after Applicants' Brief was initially due. Moreover, the safety hearings themselves precluded Applicants from beginning work on the Brief during the time period subsequent to the conclusion of the safety hearings. Since the Appeal Board granted Applicants' earlier request, several unanticipated events have occurred which have prevented Applicants' attorneys from devoting any substantial effort to preparation of their Brief. As a consequence of these events, more fully set forth below, Applicants cannot in the time left before the filing date prepare a brief which will address the issues adequately or meet the standards of thoroughness set by the Appeal Board.

The attorney in charge of this proceeding on behalf of Applicants has been involved in a civil antitrust trial before the United States District Court for the Northern District of Texas since October 2, 1978. West Texas Utilities Co., et al. v. Texas Electric Service Co., C.A. No. 3-76-0633-F. This trial date was set by Order of the Court on August 24, 1978. Counsel for the Applicants had sought a postponement of the District Court trial, unsuccessfully. Applicants believed that it would have been a substantial inconvenience and burden to all parties to attempt to postpone the Black Fox safety hearings, and, in view of the very large number of persons involved in that proceeding, Applicants believed the scheduling

problems would be severe. A most important consideration was the difficulty of accommodating, in the crowded docket of the Licensing Board, the large blocks of hearing time required for the safety hearings. The loss of Applicants' lead counsel at such an inopportune time complicated Applicants' task of preparing for the safety hearings. Most significantly, the other attorney familiar with all aspects of this proceeding and who otherwise could have devoted time to the initial preparation of Applicants' appeal Brief was required to devote all of his time to aid Applicants' new lead counsel in order to provide continuity to this proceeding.

The antitrust trial was anticipated to have been completed on or about October 31, 1978. However, due to the need of the trial judge to devote more time than anticipated to other matters pending before him, recess of the trial for three days due to the illness of the trial judge, the complexity of the issues and the large volume of trial transcripts and exhibits introduced with the attendant protracted cross-examination, the trial has not yet been completed. The trial is now anticipated to be completed on or about Thanksgiving. Therefore, the attorney in charge of the environmental hearings for Applicants will not be available to supervise the preparation of Applicants' appeal Brief during any of the time allotted under the current schedule.

During those portions of the safety hearings in this proceeding which took place between October 10 and

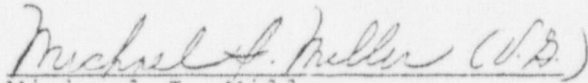
October 20, 1978, several matters arose which required immediate attention. These included the need to prepare additional testimony and the need to respond to pleadings filed before the Licensing Board and the Appeal Board. The most important of these matters involved a subpoena issued by the Licensing Board for a General Electric Company commercially-sensitive, proprietary product-improvement document referred to as the Reed Report. Because most of these matters required considerable familiarity with early aspects of these proceedings, the only one of Applicants' attorneys who has participated in all phases of this proceeding, and who would otherwise have prepared the first draft of the appeal Brief, was required to devote all of his time up through November 8, 1978, to these matters. Consequently, Applicants have only just begun work on their appeal Brief.

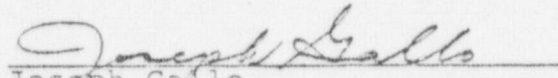
Intervenors have briefed 112 exceptions in 136 pages. Intervenors' Brief does not contain a concise and easily-followed statement of fact, it does not in many instances set forth the ruling of the Licensing Board which is claimed to be erroneous, and many statements are made regarding the record for which no record citations are made. As a result, responding to Intervenors' Brief will require a substantial devotion of time and effort. While Applicants' counsel has been aware of these deficiencies since shortly after Intervenors' Brief was filed, the magnitude of the effort necessary to properly respond to Intervenors' Brief has only recently become apparent.

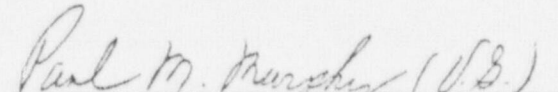
WHEREFORE, good cause having been shown, Applicants respectfully request a 23-day extension of time within which to file their responding Brief from November 22, 1978 to December 15, 1978. The undersigned are authorized by counsel to state that neither the Intervenors nor the NRC Staff object to this Motion. If the Motion is granted, it would be appropriate to extend the time for filing the NRC Staff's brief to December 15, 1978 as well.

Dated: November 14, 1978

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing
"Applicants' Motion For Extension of Time," has been served
this 14th day of November, 1978 on Dr. Johnson, and Messrs.
Salzman and Sharfman by messenger delivery at the addresses
indicated below; and that said Motion has been served on the
remaining individuals listed below by deposit in the United
States mail, first class, this 14th day of November, 1978.

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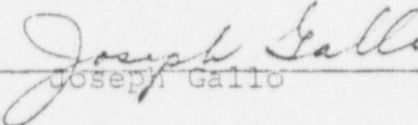
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