

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing 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))

MOTION FOR LEAVE TO FILE REPLY

The NRC Staff filed a pleading entitled "NRC Staff Answer to State of Oklahoma's Motion for Indefinite Stay on Issuance of an Initial Decision and Intervenor's Motion to Reopen the Record" on May 18, 1979. While the NRC Staff's pleading is an answer to two motions, and the Nuclear Regulatory Commission's Rules of Practice do not provide for replies to answers to motions, Public Service Company of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative ("Applicants") believe that a reply is justified in this instance. Therefore, Applicants move the Atomic Safety and Licensing Board ("Licensing Board") to grant Applicants leave to file a reply to the NRC Staff's pleading and establish May 31, 1979, as the date by which the reply must be filed.

This course of action is warranted because the relief requested by the NRC Staff is different from that requested by the Attorney General for the State of Oklahoma

("Attorney General") and Citizens' Action for Safe Energy, Lawrence Burrell and Ilene Younghein ("Intervenors") in their respective motions. The Attorney General has asked that the issuance of the Partial Initial Decision be stayed pending the outcome of certain investigations; Intervenors have requested an immediate reopening of the record. The NRC Staff, although stating that certain portions of those requests should be denied, has asked this Licensing Board to defer its rulings on the Attorney General's and Intervenors' motions until the NRC Staff has evaluated the safety ramifications of the Three Mile Island accident and determined their applicability to Black Fox. Because this is a different remedy from that sought by the Attorney General and Intervenors, Applicants' responses to those parties' pleadings do not adequately address the instant issue. In addition, Applicants believe that the NRC Staff has in its answer misstated its duties under the doctrine set forth in Duke Power Company (William B. McGuire Nuclear Station, Units 1 and 2), ALAB-143, 6 AEC 623 (1973). Therefore, Applicants would like the opportunity to express their views on this subject in a reply to the NRC Staff's answer.

If the NRC Staff's pleading were treated as a motion, the answer would be due on June 4, 1979. Applicants have requested only until May 31, 1979, in which to file their pleading.

Counsel for all parties have stated that they have

no objection to this Motion.

For good cause shown, Applicants' Motion should
be granted.

Respectfully submitted,



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for Applicants

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