

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS:
Nunzio J. Palladino, Chairman
Victor Gilinsky
John F. Ahearne
Thomas M. Roberts
James K. Asselsteine

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
(Indian Point, Unit No. 2)

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit No. 3)

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)
)
) Docket Nos.
) 50-247 SP
) 50-286 SP
)
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)

POWER AUTHORITY'S MOTION FOR LEAVE TO FILE
A REPLY AND REPLY TO UCS/NYPIRG'S RESPONSE TO
LICENSEE'S MOTION FOR DIRECTED CERTIFICATION OF
MOTION FOR A STAY OF COMMISSION'S ORDERS OF
JANUARY 8, 1981 AND SEPTEMBER 18, 1981 OR FOR
THE DISMISSAL OF THIS PROCEEDING OR, IN THE
ALTERNATIVE, FOR CERTIFICATION TO THE COMMISSION

The Union of Concerned Scientists/New York Public
Interest Research Group (UCS/NYPIRG) opposes the Power
Authority of the State of New York's (Power Authority's)
Motion for Directed Certification¹ on the basis that the

1. Licensee's Motion for Directed Certification of Motion for a
Stay of Commission's Orders of January 8, 1981 and September 18, 1981 or
for Dismissal of this Proceeding or, in the Alternative, for Certifica-
tion to the Commission (Apr. 20, 1982).

issues raised were "frivolous" and do not meet the standards for directed certification. See UCS/NYPIRG's Opposition to PASNY's Motion for Directed Certification of Motion for a Stay of Commission's Orders Requiring Investigation into Safety of Indian Point Plants or for Dismissal of Adjudicatory Hearing at 2 (May 7, 1982). This position, however, directly contradicts the statement by UCS counsel before the Atomic Safety and Licensing Board that Licensees' Motion for Stay or Dismissal¹

can best be certified quickly to the Commission that if they want to contradict their previous orders they can do so. I doubt they will.

. . . .

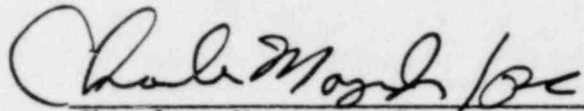
Therefore, I would propose that it be sent up there as expeditiously as possible so they can deal with it accordingly.

Transcript of Proceedings at 78, 79 (Dec. 2, 1981).

The Power Authority agrees with UCS that the licensees' motion should be "certified quickly" for resolution by the Commission.

1. Licensees' Motion for a Stay of Commission's Orders of January 8, 1981 and September 18, 1981 or for Dismissal of this Proceeding or, in the Alternative, for Certification to the Commission (Nov. 25, 1981).

Respectfully submitted,



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Dated: May 27, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS:
Nunzio J. Palladino, Chairman
Victor Gilinsky
John F. Ahearne
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In the Matter of:

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
(Indian Point, Unit No. 2)

POWER AUTHORITY OF THE STATE OF
NEW YORK
(Indian Point, Unit No. 3)

Docket Nos. 50-247 SP
50-286 SP

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of May, 1982, I caused a copy of the Power Authority's Motion for Leave to File a Reply and Reply to UCS/NYPIRG's Response to Licensee's Motion for Directed Certification of Motion for a Stay of Commission's Orders of January 8, 1981 and September 18, 1981 or for the Dismissal of This Proceeding or, in the Alternative, for Certification to the Commission to be served by first class mail, postage prepaid on:

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