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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-454 OL
) 50-455 OL
Byron Nuclear Power Station,)
Units 1 & 2))

LICENSEE'S MOTION FOR LEAVE
TO RESPOND TO INTERVENORS' REPLY

Consumers Power Company, ("Licensee"), through its attorneys, hereby moves this Atomic Safety and Licensing Board to enter an order granting Licensee leave to respond to a pleading filed on March 17, 1983 by Intervenor which was captioned "Intervenors Christa-Maria, Jim Mills, and JoAnn Bier Reply to Licensees Response to Board Order of September 14, 1982", ("Intervenors' Reply"). Further, Licensee requests that, if such leave is granted, it be given until April 5, 1983 to file its response.

In support of this Motion, Licensee states:

1. On September 14, 1982, the Licensing Board issued an Initial Decision (the "September 14 Decision") that ordered Licensee to demonstrate that deficiencies concerning certain emergency planning issues (Christa-Maria Contentions 9(3), 9(4), and 9(5)) have been remedied, are not serious, or are being remedied through adequate interim

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compensating actions. Licensee duly responded to the September 14 Decision by filing numerous affidavits and pleadings, concluding its response on January 21, 1983. In accordance with the September 14 Decision, Intervenors and Staff were allowed 20 days from the date of filing of Licensee's response to comment on the adequacy of Licensee's response. (At Staff's request, this date was extended to March 31, 1983). On March 17, 1983, Intervenors filed their Reply.

2. The procedure established by the Licensing Board in its September 14 Decision does not provide an opportunity for Licensee to respond to Intervenors' Reply. Such an opportunity is necessary in this instance. Licensee presented a general and comprehensive showing in response to the September 14 Decision. Intervenors' Reply raises specific issues with regard to Licensee's response. In all equity, Licensee is entitled to an opportunity to respond to the specific issues raised by the Intervenors.

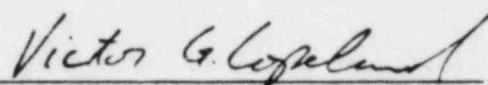
3. Since Licensee seeks to respond Intervenors' Reply through one or more witnesses, Licensee will require adequate time to prepare their affidavits. Permitting Licensee to file its response on or before April 5, 1983 should provide sufficient time.

4. Attorney for Licensee has informed attorneys for Intervenors and NRC Staff of this motion and they have

stated no objection.

For good cause shown and since no objection has been raised by the other parties, Licensee's motion for leave to file a response to Intervenor's Reply should be granted.

Respectfully submitted,



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Consumers Power Company

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CERTIFICATE OF SERVICE

I hereby certify that copies of Licensee's Motion
For Leave To Respond to Intervenor's Reply was served on
the persons listed below by deposit in the United States
mail, first-class postage prepaid or by other means where
noted, this 21st day of March 1983.

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Dr. Oscar H. Paris*
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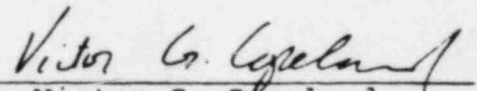
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