

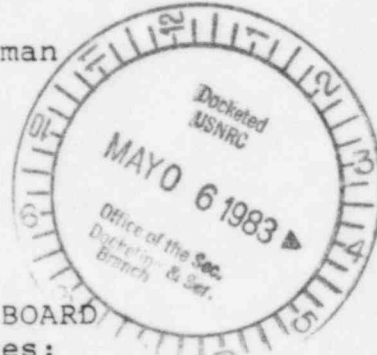
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman  
Victor Gilinsky  
John F. Ahearne  
Thomas M. Roberts  
James K. Asselstine

and

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:  
James P. Gleason, Chairman  
Frederick J. Chon  
Dr. Oscar H. Paris



In the Matter of )

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

Docket Nos.  
50-247 SP  
50-286 SP

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

May 6, 1983

LICENSEES' MOTION FOR A STAY OF THE SCHEDULE FOR  
FILING OF PROPOSED OPINION, FINDINGS OF FACT, AND  
RECOMMENDATIONS IN THE INDIAN POINT SPECIAL PROCEEDING

Consolidated Edison Company of New York, Inc., and the  
Power Authority of the State of New York, licensees of  
Indian Point Units 2 and 3, respectively, hereby move the  
Commission and the Atomic Safety and Licensing Board, for an  
order extending the time of the parties to the Indian Point  
Special Proceeding to submit post-hearing proposed Opinion,  
Findings of Fact, and Recommendations from May 27 until  
June 27, 1983. The licensees' motion is based upon the

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intervening circumstances surrounding the Commission's May 5, 1983 Order respecting Indian Point.

On May 5, the Commission issued an order establishing procedures for its decision on enforcement action regarding emergency preparedness for Indian Point. Order Establishing Procedures for Decision on Enforcement Action (May 5, 1983) (Commission Order). The Commission announced its intention "to issue an order by June 9, 1983, promptly suspending operation of the Indian Point plants unless

- (1) FEMA has determined that the significant deficiencies as determined in FEMA's Post Exercise Assessment dated April 14, 1983 no longer exist; or
- (2) The licensees demonstrate to the satisfaction of the Commission in accordance with 10 CFR 50.54(s)(2) (ii) that:
  - (a) adequate interim compensating actions have been or will be taken promptly, or
  - (b) the deficiencies identified by FEMA as significant are not significant, or
  - (c) other compelling reasons exist to permit operation of the facility, or
  - (d) there are other factors justifying continued operation.

Commission Order at 4-5.

The licensees must submit memoranda presenting their views to the Commission by May 20, 1983, and make oral presentations to the Commission on May 26, 1983. Commission

Order at 3, 4. The existing Board timetable contemplated a four-week period, from April 29 to May 27, 1983, for the parties to review thousands of pages of pre-filed testimony and the 15,000-page transcript, and to prepare proposed Opinions, Findings of Fact, and Recommendations.<sup>1</sup> Because the licensees' attention must now be directed to the preparation of the memoranda and oral presentations to the Commission, the licensees hereby request an extension of the May 27 deadline for submitting proposed findings until June 27.

As most of the issues in the Indian Point Special Proceeding are inextricably related, the extension should apply to all findings. Also, in addition to presenting information to the Commission concerning FEMA's evaluation of the sufficiency of emergency preparedness at Indian Point, the licensees must demonstrate "other compelling reasons . . . to permit operation of the facility" or "other factors justifying continued operation." Commission Order at 4-5. The scope of this response encompasses all issues in the special proceeding and thus imposes a substantial burden of preparation on the licensees during the next three

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1. This timetable has already been shortened by one week over licensees' objections, Tr. 6036-37, by the scheduling of further hearing sessions to receive testimony, which continued until April 29, 1983.

weeks which immediately precede the Board's May 27, 1983 deadline.

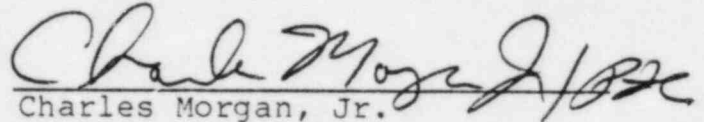
Conclusion

Based on the foregoing, the licensees hereby request an extension of the May 27, 1983 deadline until June 27, 1983, for all parties to submit proposed Opinion, Findings of Fact, and Recommendations in the Indian Point Special Proceeding.

Respectfully submitted,

  
Brent L. Brandenburg

CONSOLIDATED EDISON COMPANY  
OF NEW YORK, INC.  
4 Irving Place  
New York, New York 10003  
(212) 460-4600

  
Charles Morgan, Jr.  
Paul F. Colarulli  
Joseph J. Levin, Jr.

MORGAN ASSOCIATES, CHARTERED  
1899 L Street, N.W.  
Washington, D.C. 20036  
(202) 466-7000

Stephen L. Baum  
General Counsel  
Charles M. Pratt  
Assistant General Counsel

POWER AUTHORITY OF THE STATE  
OF NEW YORK  
Licensee of Indian Point Unit 3  
10 Columbus Circle  
New York, New York 10019  
(212) 397-6200

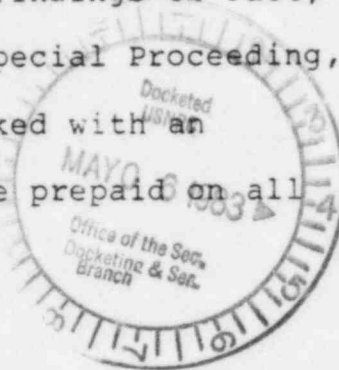
Bernard D. Fischman  
Michael Curley  
Richard F. Czaja  
David H. Pikus

SHEA & GOULD  
330 Madison Avenue  
New York, New York 10017  
(212) 370-8000

Dated: May 6, 1983

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 1983, I caused a copy of Licensees' Motion for a Stay of the Schedule for Filing of Proposed Opinion, Findings of Fact, and Recommendations in the Indian Point Special Proceeding, to be hand delivered to those parties marked with an asterisk, and by first class mail, postage prepaid on all others:



\*James P. Gleason, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
513 Gilmore Drive  
Silver Spring, Maryland 20901

\*Mr. Frederick J. Shon  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\*Dr. Oscar H. Paris  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Docketing and Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Joan Holt, Project Director  
Indian Point Project  
New York Public Interest Research  
Group  
9 Murray Street  
New York, New York 10007

Jeffrey M. Blum, Esq.  
New York University Law School  
423 Vanderbilt Hall  
40 Washington Square South  
New York, New York 10012

Charles J. Maikish, Esq.  
Litigation Division  
The Port Authority of New York  
and New Jersey  
One World Trade Center  
New York, New York 10048

\*Commissioners  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

Charles M. Pratt, Esq.  
Stephen L. Baum, Esq.  
Power Authority of the  
State of New York  
10 Columbus Circle  
New York, New York 10019

Janice Moore, Esq.  
Counsel for NRC Staff  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Brent L. Brandenburg, Esq.  
Assistant General Counsel  
Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York, New York 10003

Ellyn R. Weiss, Esq.  
William S. Jordan, III, Esq.  
Harmon and Weiss  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

Charles A. Scheiner, Co-Chairperson  
Westchester People's Action  
Coalition, Inc.  
P.O. Box 488  
White Plains, New York 10602

Alan Latman, Esq.  
44 Sunset Drive  
Croton-On-Hudson, New York 10520

Ezra I. Bialik, Esq.  
Steve Leipzig, Esq.  
Environmental Protection Bureau  
New York State Attorney  
General's Office  
Two World Trade Center  
New York, New York 10047

Andrew P. O'Rourke  
Westchester County Executive  
148 Martine Avenue  
White Plains, New York 10601

Andrew S. Roffe, Esq.  
New York State Assembly  
Albany, New York 12248



Marc L. Parris, Esq.  
Eric Thorsen, Esq.  
County Attorney  
County of Rockland  
11 New Hempstead Road  
New City, New York 10956

Phyllis Rodriguez, Spokesperson  
Parents Concerned About Indian  
Point  
P.O. Box 125  
Croton-on-Hudson, New York 10520

Renee Schwartz, Esq.  
Paul Chessin, Esq.  
Laurens R. Schwartz, Esq.  
Margaret Oppel, Esq.  
Botein, Hays, Sklar and Hertzberg  
200 Park Avenue  
New York, New York 10166

Honorable Ruth W. Messinger  
Member of the Council of the  
City of New York  
District #4  
City Hall  
New York, New York 10007

Greater New York Council  
on Energy  
c/o Dean R. Corren, Director  
New York University  
26 Stuyvesant Street  
New York, New York 10003

Joan Miles  
Indian Point Coordinator  
New York City Audubon Society  
71 West 23rd Street, Suite 1828  
New York, New York 10010

Richard M. Hartzman, Esq.  
Lorna Salzman  
Mid-Atlantic Representative  
Friends of the Earth, Inc.  
208 West 13th Street  
New York, New York 10011

Stanley B. Klimberg, Esq.  
General Counsel  
New York State Energy Office  
2 Rockefeller State Plaza  
Albany, New York 12223

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Honorable Richard L. Brodsky  
Member of the County Legislature  
Westchester County  
County Office Building  
White Plains, New York 10601

Zipporah S. Fleisher  
West Branch Conservation  
Association  
443 Buena Vista Road  
New City, New York 10956

Mayor George V. Begany  
Village of Buchanan  
236 Tate Avenue  
Buchanan, New York 10511

Judith Kessler, Coordinator  
Rockland Citizens for Safe Energy  
300 New Hempstead Road  
New City, New York 10956

David H. Pikus, Esq.  
Richard F. Czaja, Esq.  
Shea & Gould  
330 Madison Avenue  
New York, New York 10017

Amanda Potterfield, Esq.  
New York Public Interest  
Research Group, Inc.  
9 Murray Street, 3rd Floor  
New York, New York 10007

David R. Lewis, Esq.  
Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555



Mr. Donald Davidoff  
Director, Radiological Emergency  
Preparedness Group  
Empire State Plaza  
Tower Building, Rm. 1750  
Albany, New York 12237

Craig Kaplan, Esq.  
National Emergency Civil  
Liberties Committee  
175 Fifth Avenue, Suite 712  
New York, New York 10010

Michael D. Diederich, Jr., Esq.  
Fitzgerald, Lynch & Diederich  
24 Central Drive  
Stony Point, New York 10980

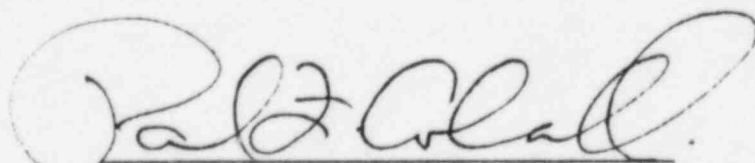
Steven C. Sholly  
Union of Concerned Scientists  
1346 Connecticut Avenue, N.W.  
Suite 1101  
Washington, D.C. 20036

Spence W. Perry  
Office of General Counsel  
Federal Emergency Management Agency  
500 C Street, S.W.  
Washington, D.C. 20472

Stewart M. Glass  
Regional Counsel  
Room 1349  
Federal Emergency Management Agency  
26 Federal Plaza  
New York, New York 10278

Melvin Goldberg  
Staff Attorney  
New York Public Interest  
Research Group  
9 Murray Street  
New York, New York 10007

Jonathan L. Levine, Esq.  
P. O. Box 280  
New City, New York 10958



Paul F. Colarulli