

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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In the Matter of )  
 )  
MISSISSIPPI POWER & LIGHT COMPANY, )  
 et al. )  
 )  
(Grand Gulf Nuclear Station, )  
 Unit No. 1 )  
 )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-416 OLA

Licensees' Request for Extension  
of Time Within Which To Appeal

On April 23, 1984, the Atomic Safety and Licensing Board in the captioned matter issued a Memorandum<sup>1/</sup> in this operating license amendment proceeding, which granted intervention to a group called Jacksonians United for Livable Energy Policies ("JULEP") and admitted two contentions. Licensees Mississippi Power & Light Company, et al. hereby request an extension of time within which to file an appeal pursuant to 10 C.F.R. §2.714a asserting that intervention should have been wholly denied. The extension requested is to and including Thursday May 17, 1984.

As grounds for this extension of time, Licensees submit the following:

1. The undersigned attorneys have just been retained as counsel in this matter and need time to review the relevant papers and to formulate a definitive

<sup>1/</sup> Second Order Following Prehearing Conference (Admitting Intervenor and Ruling on Contentions).

recommendation regarding an appeal. As this would be a §2.714a appeal, if that recommendation is affirmative, counsel will need sufficient time in which to prepare the appeal.

2. Based on a preliminary review of the papers, it appears that the question presented may be novel and precedent-setting, in that the Licensing Board memorandum admitting contentions acknowledges that the two contentions admitted would, under "general judicial authority" normally be considered moot. (Memorandum at 13-14). The Licensing Board reasoned, however, that the Congress intended that a hearing would be held in all such cases notwithstanding that the action permitted under the amendment may have been completed and hence rendered moot. (Memorandum at 14-15).<sup>2/</sup> It appears that this ruling, pertaining as it does to the procedures to be followed under the so-called "Sholly" amendments to the Atomic Energy Act, raises novel and important questions which are likely to arise in other proceedings involving "one-time" amendments. It is, therefore, important to take the time adequately to brief these novel and important questions.

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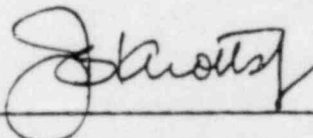
<sup>2/</sup> The Board's reasoning was set forth with regard to renumbered contention 2; it applied the same reasoning in admitting renumbered contention 3. (Memorandum at 15-16).

3. No prejudice to other parties or to the public interest should arise as a result of the extension of time, since granting the extension of time and pursuit of the appeal would not affect other aspects of the Board's memorandum, including the schedule for discovery on the admitted contentions and for a status report (Memorandum at 16).

Counsel for the NRC Staff has advised us that the Staff has no objection to the extension of time requested herein. Ms. Stewart on behalf of JULEP has likewise indicated no objection.

For the foregoing reasons, we believe that good cause has been shown for the extension of time and request that it be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "J. Knotts", is written over a horizontal line.

Joseph B. Knotts, Jr.

Attorney for  
Mississippi Power & Light Co.

May 2, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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In the Matter of )  
 )  
MISSISSIPPI POWER & LIGHT ) Docket No. 50-4160LA  
COMPANY, et al. )  
 )  
(Grand Gulf Nuclear Station, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensees' Request for Extension of Time Within Which To Appeal" dated May 2, 1984 in the captioned proceeding have been served upon the following by deposit in the United States mail this 2d day of May 1984:

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