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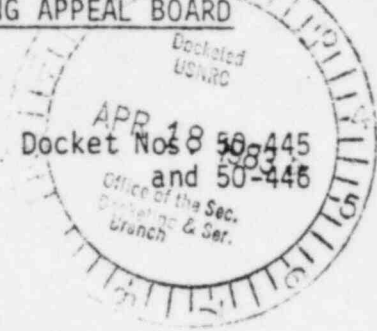
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CR FC 12619

Policy Statement on Regionalization

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR
AN OPERATING LICENSE FOR
COMANCHE PEAK STEAM ELECTRIC
STATION UNITS #1 AND #2 (CPSSES)



CASE'S MOTION FOR
LEAVE TO FILE RESPONSE

Under Order of December 30, 1982, the Appeal Board in the above-referenced proceeding advised that oral argument on the issues presented by the NRC Staff's appeal from the Licensing Board's September 30, 1982 order will be held at 9:30 A.M., Wednesday, January 19, 1983, in the NRC Public Hearing Room, in Bethesda, Maryland.

It is impossible for CASE, the sole remaining intervenor in these proceedings, to attend this meeting. We do not have the finances available to come to Maryland from Dallas, Texas, to present oral argument for the allotted 40 minutes which we would have available. Further, we have been unable to find anyone else who could represent us in the area of the meeting who is familiar with CASE's position and could adequately represent us.

We therefore hereby file this, CASE's Motion for Leave to File Response, and move that the Appeal Board allow us to file written argument on the issues. Due to the press of time, we are attaching hereto CASE's Written Argument on Issues and urge that the Appeal Board accept it in lieu of oral argument since it is impossible for us to be physically present on January 19.

Although CASE is gratified that the Appeal Board has seen fit to review these matters on the merits, we must point out that having the oral argument

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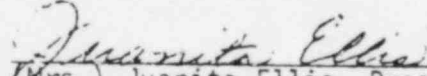
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in Bethesda, Maryland, rather than nearer the plant site is another of many instances in these proceedings where this Intervenor has been placed at a distinct disadvantage because we lack the funds and staff of either the Applicants or the NRC Staff. This is especially unfortunate in this particular instance, since the issues at hand have been raised by events which concern CASE witnesses and since the result of the Appeal Board's findings can have or lead to long-term, nationwide repercussions.

We strongly urge that the Appeal Board consider having any future hearings or oral arguments nearer the plant site (as the hearings before the Licensing Board have been), not only so that CASE, as the only remaining Intervenor, can participate fully but so that the public who will be most directly affected by the operation of Comanche Peak will have the opportunity to attend the hearings and to inform themselves regarding this vitally important matter.

Another concern which we have is that, since we will not be represented in person at the oral argument, we will not have the opportunity to refute or counter any of the arguments and claims presented by the NRC Staff or the Applicants during their oral argument. However, it is our understanding that our 12/21/82 Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982, will be fully considered by the Appeal Board. And we urge that the attached CASE's Written Argument on Issues also be fully considered.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
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