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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
GRANBY

\_\_\_\_\_  
In the Matter of )  
 )  
Texas Utilities Electric Company )  
 )  
(Comanche Peak Steam Electric )  
Station, Units 1 and 2) )  
\_\_\_\_\_ )

Docket Nos. 50-445-OL  
50-446-OL

TU ELECTRIC'S ANSWER TO THE APPLICATION  
FOR HEARINGS AND ORAL ARGUMENT  
BY MICKY DOW AND SANDRA LONG DOW

On April 6, 1992, Mr. Micky Dow and Mrs. Sandra Long Dow (the "Dows") filed an "Application to the Secretary for Hearings and Oral Argument in Support of Motion For Leave To Intervene Out-of-Time and Motion to Reopen the Record" ("Application"). Texas Utilities Electric Company ("Licensee" or "TU Electric") hereby files its response in opposition to the Dows' Application for oral argument and evidentiary hearings on their untimely petition to intervene and motion to reopen. For the reasons which follow, TU Electric requests that the Dows' Application be summarily denied.

The Commission's rules state that oral argument will not be heard on a motion unless the Commission directs otherwise. 10 C.F.R. § 2.730(d). In previous cases, the Commission has not

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allowed oral argument where a petitioner could not demonstrate how oral argument would assist the Commission in reaching a decision on a matter. See In Re: Joseph J. Macktal, CLI-89-12, 30 NRC 19, 23 n.1 (1989); Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-845, 24 NRC 220, 253 n.38 (1986). In this case, the Dows do not even attempt to demonstrate how oral argument and evidentiary hearings would assist the Commission in deciding whether to grant the Dows' untimely petition to intervene and motion to reopen. Instead, the Dows raise several vague allegations that have absolutely nothing to do with the Dows' request for hearings and oral argument. 1/ Furthermore, the Dows' untimely petition and motion to reopen are patently deficient and do not present any novel or complex legal, factual, or policy questions, and it is

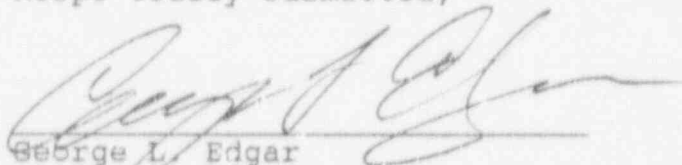
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1/ Indeed, whether intentionally or not, the Dows have misinformed the Commission. The Dows claim that Dobie Hatley, Ron Jones and others were precluded from presenting evidence to the Licensing Board and were obligated to resist any subpoena to testify. However, the Dows are confusing the 1988 settlements between those individuals and TU Electric with an earlier and unrelated 1987 settlement agreement between Joseph Macktal and Brown and Root. Unlike the 1987 Macktal settlement agreement, the 1988 settlements with Dobie Hatley, Ron Jones, and others did not include any clause which could restrain them from testifying or bringing any safety issues to the NRC. See Letter from James E. Lyons, Chairman Allegation Review Committee, CPSES Division, NRC Office of Nuclear Reactor Regulation, to Mrs. Betty Brink, Board Member of Citizens for Fair Utility Regulation, Enclosure at 10-13 (Jan. 30, 1990); See also Comanche Peak and Rancho Seco Nuclear Power Plants - Hearing Before Subcomm. on Nuclear Regulation of the Senate Comm. on Environmental and Public Works, 101st Cong., 1st Sess. 90-94 (1989) (remarks of Sen. John Breaux).

not apparent why oral argument or evidentiary hearings would be necessary or beneficial to the Commission in ruling on this matter. It would be incongruous to hold evidentiary hearings on a motion to determine whether evidentiary hearings should be held.

In view of the foregoing, the Commission should summarily deny the Dows' Application for oral argument and evidentiary hearings on their untimely petition to intervene and motion to reopen.

Respectfully submitted,



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April 17, 1992

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "TU Electric's Answer to the Application for Hearings and Oral Argument By Micky Dow and Sandra Long Dow" were served upon the following persons by deposit in the United States mail, postage prepaid and properly addressed, on the date shown below:

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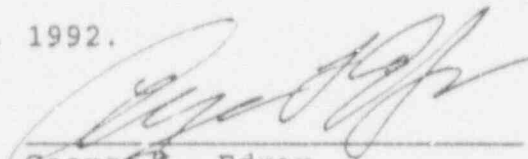
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Dated this 17th day of April, 1992.



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