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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'92 OCT 13 P2 53

OFFICE OF SECRETARY
OF THE COMMISSION

In the Matter of)	Docket No. 50-446-CPA
)	
TEXAS UTILITIES ELECTRIC)	Construction Permit Amendment
COMPANY, <i>et al.</i>)	
)	
(Comanche Peak Steam Electric)	
Station, Unit 2))	

NRC STAFF RESPONSE TO MOTION FOR EXTENSION OF TIME
TO FILE BRIEF BY SANDRA LONG DOW DBA DISPOSABLE WORKERS
OF COMANCHE PEAK STEAM ELECTRIC STATION AND R. MICKY DOW

INTRODUCTION

On September 11, 1992, the Atomic Safety and Licensing Board (Board) designated in this proceeding issued a "Memorandum and Order (Setting Pleading Schedule)" (Order). In the Order, the Board ruled that each Petitioner must file, no later than October 5, 1992, an amended petition and supplement to his or her petition containing contentions which the Petitioner seeks to have litigated in a hearing. Order at 7. The Board deferred ruling on the Petitions until the final round of pleadings had been filed. *Id.* at 4. On October 5, 1992, Petitioners Sandra Long Dow dba Disposable Workers of Comanche Peak Steam Electric Station and R. Micky Dow (Movants) filed "Motion for Extension of Time to File Brief by Sandra Long Dow dba

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Disposable Workers of Comanche Peak Steam Electric Station and R. Micky Dow"¹ (Motion). In their Motion, Movants request a thirty-day extension of time for filing their response to the Board's Order. For the reasons set forth below, their Motion should be denied.

DISCUSSION

Movants allege that they require a thirty-day extension of time to file their supplemental petitions first, because R. Micky Dow was incarcerated in a Colorado jail, without access to a telephone or other means of communication until October 3, 1992, and second, because Mr. Dow's personal property, including his computer, his notes and a "rough draft of the pleadings required for filing" were seized. Motion at 2. Sandra Long Dow also alleges that she was unable to prepare the required documents on behalf of Disposable Workers of Comanche Peak Steam Electric Station because of the seizure of Mr. Dow's property. *Id.* at 3.

These facts, if true, may satisfy "the good cause" requirement for an extension of time required by the Commission's regulations. See, 10 C.F.R. § 2.711(a). However, Movants fail to explain why Ms. Dow, as the head of the organization seeking intervention in this proceeding and a signer of the petition, could not otherwise obtain the knowledge necessary to prepare the documents to support the petition.

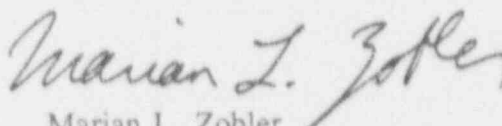
¹ On October 6, 1992, the Board issued an order shortening the time for filing of answers to the Motion, ordering that answers to the Motion be served on the Board by close of business October 13, 1992.

In addition, the Motion is replete with baseless and unsubstantiated allegations that unspecified government agencies and TU Electric were responsible for Mr. Dow's arrest in order to prevent him from filing with the Board on time. Motion at 2. Movants also imply that the NRC, together with TU Electric, was responsible for the fact that Mr. Dow's property was seized and "secreted" in Kansas. *Id.* This is not the first time that Movants have made accusations against the NRC which have never been supported. *See*, "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 Submitted by Sandra Long Dow dba Disposable Workers of Comanche Peak Steam Electric Station and R. Micky Dow," at 2, 5 (April 6, 1992); "Motion to Reopen the Record," at 2, 3, 4 (November 20, 1991). Movants' baseless allegations, here, do not establish good cause for an extension of time. Accordingly, their Motion should be denied.

CONCLUSION

For the reasons set forth above, Movants' Motion for Extension of Time to File Brief should be denied.

Respectfully submitted,



Marian L. Zabler
Counsel for NRC Staff

Dated at Rockville, Maryland
this 13th day of October, 1992

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DEPT. OF SECRETARY
OPERATING & SERVICE
BRANCH

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TEXAS UTILITIES ELECTRIC)	Construction Permit Amendment
COMPANY, <i>et al.</i>)	
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(Comanche Peak Steam Electric)	
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTION FOR EXTENSION OF TIME TO FILE BRIEF BY SANDRA LONG DOW DBA DISPOSABLE WORKERS OF COMANCHE PEAK STEAM ELECTRIC STATION, AND R. MICKY DOW" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by a double asterisk by hand, this 13th day of October 1992:

Morton B. Margulies, Chairman**
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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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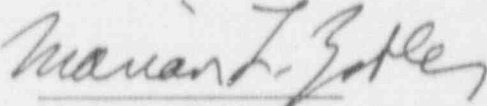
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Adjudicatory File (2)*
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Washington, D.C. 20555
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Atomic Safety and Licensing Board
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Marian L. Zabler
Counsel for NRC Staff