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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Ivan Selin, Chairman
Kenneth C. Rogers
James R. Curtiss
Forrest J. Remick
E. Gail de Planque

'93 MAR 23 PM 22

In the Matter of:
TEXAS UTILITIES ELECTRIC
COMPANY, et al.

Docket Nos. 50-446, 50-446-CPA

(Comanche Peak Steam
Electric Station, Unit 2)

MOTION FOR LEAVE TO FILE OUT-OF-TIME
BY PETITIONER R. MICKY DOW

Comes now, R. Micky Dow, petitioner, and representative for Ron Jones, and Yvonne Wilkinson, and others, hereinafter movant, and files this, his Motion For Leave to File Out-of-Time, and for cause would show:

I.

Your movant only received the order of 17 March, 1993, this last Friday, March 19, 1993, and had barely enough time in which to author a responsive pleading thereto. It was not until Monday, March 22, 1993, that movant was able to finish his work.

II.

As this commission is well aware, by now, this movant is an indigent, and does not always have the requisite funding to telefax materials on short notice.

Realizing, when he received the order, that the responsive pleading would need to be telefaxed, in order to meet the filing

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deadline established by the Commission. Movant made immediate request, of friends of the organization, for the funding necessary to telefax the pleadings to the Commission. The same was accomplished, and the requested funds were mailed from the State of Louisiana, to movant, on Friday, March 19, 1993.

Movant was prepared to telefax the necessary materials to the Commission, before end of business on this the 22nd day of March, 1993, and was merely awaiting the arrival of his mail to do so. When the mail did arrive, however, the money was not in it and movant immediately telephoned the Office of the General Counsel, speaking with Charles Mullins, and so informed him, before the end of business this day.

CONCLUSIONS

The fact that movant is an indigent cannot be held against him when he is not given sufficient warning in which to plan for unexpected expenses like telephone facsimiles. These are contingencies which are beyond the capability of this movant to be able to control.

With the timing of the arrival of the order, movant knew there would not be sufficient time for first class mailing of his responsive pleading, and readily accepted the added burden of the telefax requirement without complaint, as is evidenced by his telefaxing of the pleadings at this point.

No prejudice is caused to any party by the 24 hour delay in the telefax. Had the pleading been sent by regular mail, and postmarked before the 22nd day of January, 1993, it would have been admissable for filing had it not arrived until the 23rd or

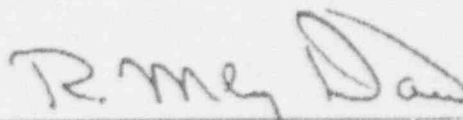
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24th day of March, 1993, pursuant the Federal Rules of Civil Procedure, and nothing would have been said about it.

WHEREFORE, PREMISES CONSIDERED, Movant prays the Commission accept the pleadings telefaxed simultaneously with this motion, and file the same as though they had been presented for filing prior to the end of business, the 22nd day of March, 1993, with no penalty being assessed for their tardiness, as it having been beyond the capability of this movant to file any sooner.

Movant prays for such other and further relief, at law, or in equity, to which he may show himself to be justly entitled.

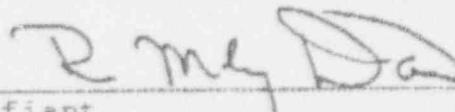
Respectfully submitted,



R. MICKY DOW, pro se, and
Representative for Ron Jones and
Yvonne Wilkinson
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CERTIFICATE OF SERVICE

This is to certify that the original of the foregoing was sent via telephone facsimile, to the Docketing Section of the NRC, as well as to the other interested parties, with a true and correct copy sent by regular U.S. Mail, on this the 23rd day of March, 1993.



Affiant

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