

13271

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

92 OCT -9 P5:48

In the Matter of)

TEXAS UTILITIES ELECTRIC COMPANY,)

(Comanche Peak Steam Electric
Station, Unit 2))

DOCKETED
SECRETARY
DOCKETED
Docket No. 50-446-CPA
ASLBP NO. 92-668-01-CPA
(Construction Permit
Amendment)

PETITIONERS 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

Pursuant to the October 6, 1992 Order of the Atomic Safety and Licensing Board ("ASLB"), Petitioners B. Irene Orr, D.I. Orr, Joseph J. Macktal and S.M.A. Hasan (hereinafter "Petitioners") hereby respond to Sandra Long Dow's and R. Micky Dow's ("Dows") motion to allow a 30-day extension of time to file a brief in response to the September 11, 1992 Memorandum and Order of the ASLB.

It cannot, in good faith, be disputed that the Dows have developed a wealth of information directly relevant to this proceeding. The record amassed in the prior ASLB licensing and Construction Permit Amendment proceedings is extensive and the Dows were involved in an extensive time-consuming search for factual information directly related to the contention raised by Petitioners in the instant proceeding. Through discussions prior to the submission of Petitioners' November 5, 1992 supplement, Petitioners' counsel had contacted the Dows and, given the vastness of the record, had come to rely on the Dows to provide this Board with factual information that only the Dows can

provide at this juncture. For reasons outside the control of Petitioners, the Dows were unable to file their brief on November 5, 1992. But, this Board should note that Petitioners specifically reference in their November 5, 1992 supplement that information in the control and possession of the Dows was indispensable to demonstrate that disputed facts exist with respect to the contention Petitioners' seek admission. See Petitioners' supplement at p. 28, fn. 18.¹

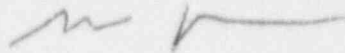
Petitioners submit that, irrespective of whether the Dows can establish good cause for their need for an extension, Petitioners were harmed by the Dows' inability to file on time as Petitioners came to rely on the Dows to supplement the factual record with respect to information solely in the control and possession of the Dows.

Last, Petitioners wish to note that this is the first extension of time sought by any of the parties and, as the other parties have yet to file a response to Petitioners brief, no real prejudice appears to be implicated by the Dows' request for an extension of time.

¹ Petitioners specifically relied on the facts in the control and possession of the Dows as evidence demonstrating that a factual dispute exists with respect to whether Texas Utilities has repudiated its past corporate policies. In order for this tribunal to better weight the weight of this evidence it is critical that the Dows be, at a minimum, allowed to supplement the factual record with respect to the contention Petitioners now seek to have admitted.

WHEREFORE, Petitioners respectfully suggest that, in the interest of creating a full and complete record, the Dows be allowed to file their brief out of time.

Respectfully submitted,



Michael D. Kohn
Stephen K. Kohn

Kohn, Kohn and Colapinto, P.C.
517 Florida Avenue, N.W.
Washington, D.C. 20001
(202) 234-4663

Attorneys for Petitioners

CERTIFICATE OF SERVICE

LOCALIZED
USNRC

I HEREBY CERTIFY that a copy of the foregoing was served upon the following parties by U.S. Mail, first class, being placed in the LeDroit Park Post Office Annex on October 8, 1992

'92 OCT -9 P5:49

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Secretary,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. James H. Carpenter
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. Morton B. Margulies
Chairman, Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. Peter S. Lam
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

George Edgar, Esq.
Newman & Holtzinger, P.C.
1615 L Street, N.W.,
Suite 1000
Washington, D.C. 20036

R. Micky Dow
322 Mall Blvd., # 147
Monroeville, PA 15146

Janice E. Moore, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Michael D. Kohn