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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

FILED
USNRC

COMMISSIONERS:

'92 FEB 21 P3:10

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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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
50-445-CPA

RECEIVED
FEB 21 1992

PETITION FOR LEAVE TO
INTERVENE OUT OF TIME

Comes now, Sandra Long Dow dba Disposable Workers of Comanche Peak Steam Electric Station, and R. Micky Dow, hereinafter petitioners, and make this, their petition for leave to intervene, in the above-titled and numbered cause, in an out-of-time status, and for cause for same would show the Commission that,

BACKGROUND

Petitioners, herein, have made multiple, and varied, attempts to gain intervention status, since the first attempt by petitioner R. Micky Dow in January, 1991. Lacking the research capability to ascertain the correct procedure, it was not until the Memorandum and Order issued by the Commission, January 17, 1992, that they were able to discover that late intervention is still possible, and the procedure whereby to obtain same. Petitioners now make formal application, pursuant to 10 C.F.R. §2.714(a)(1), and associated sub-parts.

REASONING FOR PETITION

1. Reasons For Out Of Time Filing.

Petitioners were not involved in this issue when it first came to

DS03

light, and/or when the original licensing hearings were in session. They only became involved in this matter in January, 1991. As time passed through the 1991 calendar year, they received more and more information, made several allegations, and, then, based on vast portions of their evidence, became convinced that the hearings needed to be reopened in order to get this material on the record, as they believed it would have prevented the licensing, had it been brought to the attention of the original Atomic Safety Licensing Board.

2. No Other Means Available To Petitioners For These Purposes.

No other means exist for petitioners to bring these matters to the attention of the Commission. Their exhaustive attempts, to date, are proof of that. The information, evidence, and testimony, which these petitioners seek to put on the record, is directly related to the license proceedings themselves, and therefore, this is the only proper forum wherein to introduce it.

3. Petitioners Will Be An Indispensable Part Of The Record.

Petitioners will be presenting, not only a massive amount of evidentiary material, to this Board, but also will provide witnesses who had extensive testimony at the last Board, but who were precluded from ever proffering that testimony. In addition, these petitioners can, and will introduce material which will show that there were material false statements made by the applicant, as well as the intervenors, in the first hearings.

4. Existing Parties Have Not And Will Not Make Fair Representation.

Petitioners can show that fully one-half of the material they seek to bring to the Commission was in the hands of Intervenor CASE, as well as withing the full knowledge of the applicant, at the time of the previous hearings, but was deliberately kept from the Board. That these

parties have never attempted to turn this material over to the Commission is prima facie evidence that they never had any intention to do so, but, rather, were more interested in the financial recovery of the settlement agreement, than the propriety of the granting of the license.

Two of the witnesses, whose affidavits are incorporated herein, are Ron Jones, the Quality Assurance Inspector for the Electrical Department. He is the only man to have ever shut down the control room at CPSES for massive wiring violations, discovery of drugs, drug material, etc. immediately beneath the floor of the main control room, he is also the holder of the record number of NCR's written in one day which total is 189, and he was never allowed to testify by that agreement, of which he never knew the contents. The other witness is Dobie Hatley, who was in Document Control. Her evidence was of such import that she was given immunity by the Justice Department in order to testify, but, she too, was precluded from same. These two individuals who were signatories to this settlement agreement, and have held their silence, out of fear of reprisal, are now willing to come forward and testify, for the first time in four years.

5. Petitioners' Participation Will Have The Effect Of A Reversal.

The extent to which petitioners' participation will broaden the issues, is self-evident. It is clear that had the evidence which these petitioners hold, and the testimony of the individuals petitioners will provide, ever been presented to the original ASLB, the applicant would never have been granted the license at the time of that application.

This same material, conjoined with the recent evidence and testimony of parties within the last twelve months, will, in all probability cause this Commission to revoke the existing license, the one granted in those original hearings.

ARGUMENTS

1. Petitioners' Right To Be Made A Party.

Petitioners' have established a prima facie, as well as substantive right to be made parties to these proceedings. Petitioner Sandra long Dow has formed a citizens group known as the Disposable Workers of Comanche Peak Steam Electric Station, in whose name she now is petitioning. Every piece of litigation either or both of these petitioners have ever attempted to file has also been an attempt to seek class-action status, which is further proof that their motives are out of concern for the general public, as opposed to private. These petitioners have never made a personal request, of any nature, for monetary recovery, including in their litigation. These petitioners both were residing within the immediate geographic location of this facility. The fact that these petitioners are representing members of the general public who live near CPSES is evidenced in the sample affidavits attached hereto which show clear concern about the operation and licensing of this facility.

2. The Nature And Extent Of Petitioners' Interest In This Proceeding.

Again, petitioners' interest in this proceeding is not personal in any manner. Petitioners have attempted to start, and circulate, a newsletter for public information. The first of its kind, in this respect. That newsletter requests submissions from all sides, and prints whatever is submitted without editorial deletion. Petitioners have formed a citizens group for the same purposes, the first of its kind, with regard to this issue, a non-profit organization, with no financial request, nor recovery, for even its expenses. These petitioners, have paid for their telephone calls to the Commission, most of the time, although they were told they could call collect.

The most important thing for this Commission to remember, is that neither petitioners, nor their organization, ever used any means, other than the courts, the codes of procedure, or the Code Of Federal Regulations, or the allegation methods, to secure their intervention. These petitioners are not radicals, do not support demonstrations, or any manner of physical disruption, but, rather, are resolute in their use of the courts, administrative commissions, and the law, in its entirety.

3. Possible Effect Of Any Order Entered Because Of This Intervention.

The obvious, and irrefutable effect of this intervention, will, in all probability be a complete reversal of the license proceedings and certainly revocation of the operating license, itself.

CONCLUSIONS

The most important thing for this Commission to recognize, and petitioners' respectfully point it out now, is that this is the first time in the history of the nuclear power industry, to GO BACK, and reascertain the safety of the construction and/or the necessity of granting a license to an applicant, BEFORE there is an accident and/or emergency which would and could, in all probability, result in major and serious loss to life and property, and prevent another, in all probability, incident of the weight and significance of Three-Mile Island.

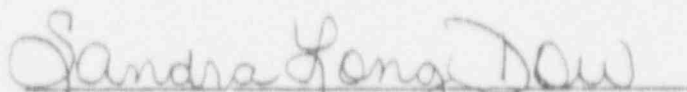
It is equally as important that the Commission recognize that the Board of Directors of Disposable Workers of Comanche Peak is made up of four of the original whistleblowers of Comanche Peak, and the operational staff is comprised of present whistleblowers from the same facility. These are not individuals who are making mere allegations but people whose evidence was precluded from the original licensing hearings, and are still prepared to testify four years later.

In conclusion, petitioners' respectfully remind this Commission, that we are not "anti-nucs", but, rather anti-unsafe practises. We are not "anti-regulation", but, rather, pro-close regulation. We are not interested in coming to NRC meetings with the American Flag wrapped around us like a Roman Toga, nor appearing waving placards, and brutalizing the use of the word Constitution, or the words of our founding fathers. We are interested in the formal, orderly, administrative hearings process, ON THE RECORD, and are content with the rulings rendered in these hearings process, because we have the safe-guards of the appellate process. Nothing short of this will ever, or has ever worked.

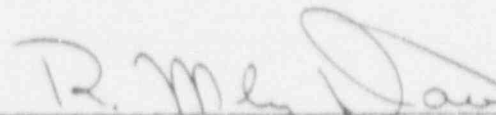
WHEREFORE, PREMISES CONSIDERED, petitioners respectfully request that their petition for leave to intervene out of time be GRANTED.

Petitioners pray for such other and further relief, at law, or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,



SANDRA LONG DOW dba RESPONSABLE
WORKERS OF COMANCHE PEAK STEAM
ELECTRIC STATION, pro se
1078 Wellington, #135
Ottawa, Ontario K1Y-2Y3
(613) 722-8716
Petitioner

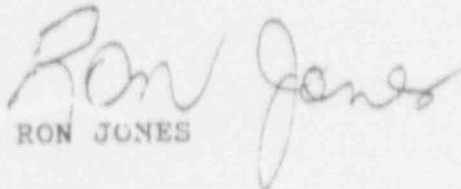


R. MICKY DOW, pro se
1078 Wellington, #135
Ottawa, Ontario K1Y-2Y3
(613) 722-8716
Petitioner

Feb. 6, 1992

I Ron Jones was an Electrical Quality Control Inspector at Comanche Peak Power Plant from approximately Feb. 1983 to approximately May 1984; during at which time I found numerous non conforming discrepancies thru out the Reactor 1. After reporting these I was harassed, bullied and eventually let go, because I would not ignore or pretend these problems did not exist.

At the first License hearing I was prepared to testify on the still existing problems, when a settlement and an agreement was made, I did not believe this settlement then and do not believe it now and I am still prepared to testify on the non conforming consistencies and harassment, bullying tactics that were perpetuated upon honest Whistle Blowers at Comanche Peak Power Plant.


RON JONES

AFFIDAVIT OF
THAYRON E. HATLEY JR.

pg 1

I RESIDE IN THE CITY OF GLEN ROSE TEXAS ON THE BANKS OF THE PALUXY RIVER, FIVE MILES SOUTH OF COMANCHE PEAK S.E.S. I WORKED AT THIS FACILITY A TOTAL OF 11 YEARS BEFORE BEING DISPOSED OF. I WORKED APPROX 1YR FOR BAHNSON SERVICE CO. (HVAC), 1 YEAR FOR BROWN + ROOT (FIELD ENGINEERS), 1 YEAR FOR HENEFE JANITOLDY, (ALL THESE MOVES WERE TOWARD A CAREER IN HELPING TO OPERATE (P.S.E.S)). I THEN WORKED APPROX 8 YEARS FOR HYDRO NUCLEAR SERVICES, WESTINGHOUSE, AND NUMANCO, THE LAST 3 YEARS OF WHICH I WAS A SUPERVISOR IN THE DECON GROUP. I WAS A VERY LOTAL, SAFETY MINDED PERSON AS MY RECORD SHOWS. DUE TO T.V.'S NEGLIGENCE OF TRYING TO MEET BUDGET BY CUTTING OUR WORK FORCE FROM 69 TO 45 PEOPLE WITH NO REDUCTION OF WORK SCOPE*, I WAS DISPOSED OF FOR STANDING UP AND SAYING "WE DON'T HAVE ENOUGH PEOPLE TO ACCOMPLISH OUR WORK."

* FIREWATCH IRREGULARITIES ROOT CAUSE
ANALYSIS PAGE 4.

I WAS TOLD BY MANAGEMENT TO "SHUT UP", "NOT TO CONCERN MYSELF WITH IT", "YOU'RE ON THE ROAD TO CAREER SUICIDE", THUS MY TRIPS TO SAFETEM AND A DEPARTMENT OF LABOR LAW SUIT AFTER "T.U." ELIMINATION OF MY POSITION. THEY OFFERED ME A DEMOTION AND CUT IN PAY WHICH I HAD TO TAKE TO CONTINUE SUPPORTING MY FAMILY. THE D.O.L. SUIT GOT MY POSITION BACK AND MY WAGES. THEN T.U. CAME UP WITH A BRAINSTORM AFTER BEING FINED \$50,000 BY THE N.R.C. FOR NEGLIGENCE IN THE FIREWATCH FIASCO. THEY DECIDED TO CHANGE CONTRACTORS TO N.S.S. (NUCLEAR SUPPORT SERVICES). THEY HELD A MEETING WITH US AND SAID "7.60 PER HOUR (EVERYBODY) NO PER DIEM, NO BENEFITS. AS A RESULT 20 PEOPLE INCLUDING ME HAD TO SEEK OTHER EMPLOYMENT. WE HAD A TOTAL OF 83 MAN YEARS EXPERIENCE AT CPSES WITH AN IMPECCABLE SAFETY + QUALITY RECORD. (1987 WESTINGHOUSE QUALITY ACHIEVEMENT AWARD OUT OF 50 ENTRIES WORLD WIDE.)

T.U. JUST WANTS ROBOTS TO WORK AT C.P.S.E.S. NOT PEOPLE WHO WILL STAND

UP TO THEIR NEGLIGENCE.

I HAVE A BEAUTIFUL WIFE AND 3 ANGELIC DAUGHTERS 11, 7 AND 4 YEARS OF AGE, WHICH ARE HELPING ME TO GET THROUGH THIS BY GIVING ME STRENGTH. MY FAMILY AND WHAT WE LEAVE OUR CHILDREN TO DEAL WITH ARE VERY IMPORTANT TO ME THUS I HAVE SOME CONCERNS.

I HAVE RECENTLY JOINED DISPOSABLE WORKERS OF COMANCHE PEAK. IT IS AN ORGANIZATION THAT IS FULL OF CARING, GIVING PEOPLE CONCERNED FOR THE LEGACY WE LEAVE OUR FUTURE GENERATIONS, AND WILL NOT LET THE BIG BUSINESS SECTOR WALK ALL OVER US.

1.) THE NEWS LETTER T.V. PUTS OUT "NEIGHBOR TO NEIGHBOR" IS A FARSE. A GOOD NEIGHBOR WOULD ALSO TELL ABOUT ANYTHING THAT GOES WRONG, TOXIC WASTE DUMPS, REACTOR TRIPS AND WHY THEY HAPPENED, CONTAMINATION OF PERSONNEL, THE "TRUE" STORY OF SPENT FUEL AND HOW LONG WE WILL HAVE TO LIVE WITH IT, AND THE LIST GOES ON AND ON. THERE ARE SUPPOSED TO BE WATCH DOG GROUPS TO GIVE

US INFORMATION, BUT GETTING INFORMATION IS LIKE PULLING HENS TEETH. WHY? WHAT ARE THEY TRYING TO HIDE. WE NEED ALL INFORMATION ABOUT THE PLANT SO WE CAN MAKE DECISIONS ABOUT OUR LIFE WHETHER TO LIVE HERE OR NOT. WE HAVE A VERY HIGH RATE OF MURDER, SUICIDE, AND CANCER (INCLUDING 2 GIRLS IN MIDDLE SCHOOL) AND NOBODY ASKS WHY? IF T.U. IS A GOOD NEIGHBOR THEY WILL TELL US THE BAD ALONG WITH THE GOOD. DISPOSABLE WORKERS OF CPSES IS THE "FIRST" ORGANIZATION THAT WILL KEEP THE PUBLIC INFORMED OF THE FACTS THAT T.U. DOESNT WANT US TO KNOW.

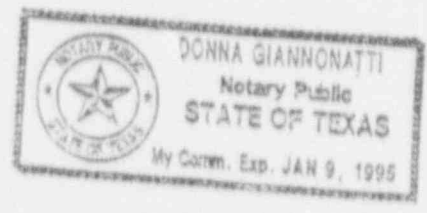
2) I WOULD LIKE AN INDEPENDENT (FROM T.U.) WATER ANALYSIS PROGRAM STARTED IN THIS AREA BECAUSE OF THE KNOWN TOXIC WASTE DUMPS AT CPSES. THIS INCLUDES PEOPLES WELLS RIVERS AND STREAMS, SO WE COULD SUBSTANTIATE T.U.'S RESULTS

3.) I WOULD LIKE THE COERSION, HARRASMENT, AND DISPOSAL OF PEOPLE AT CPSES. TO STOP. THEY NEED TO HAVE GOOD JUDGEMENT, AND WHEN THEY HAVE A LOYAL EMPLOYEE THAT HAS CONCERNS THEY NEED TO DEAL WITH THEM IN A RESPECTFUL MANNER NOT "TAKE IT OR LEAVE IT".

WE WILL CONTINUE TO EXPOSE FRAUD,
CORRUPTION, NEGLIGENCE, LAW BREAKING,
HARRASSMENT, COERCION ETC UNTIL COMANCHE
PEAK CHOOSES TO DO IT ON THEIR OWN.
WE SHOULD NOT BE EXPECTED TO PAY FOR
THE 12 BILLION DOLLAR COVER UP THAT IS
COMANCHE PEAK.

RESPECTFULLY YOURS,
Thayron Hatley Jr.
1-27-91

SWORN TO and Subscribed before me by Thayron Hatley Jr on this
~~27th~~ day of JANUARY, 19 92



Donna Giannonatti
Notary Public
STATE OF TEXAS

P.O. Box 1712
Glen Rose, Tx.
76043

1/27/92

To Whom it may concern,

I'm a resident in Somervell, Co., Glen Rose, Tx. and I'm concerned as to whether or not any other companies or peoples have done any checking out and checking up on the Comanche Peak Nuclear Power Plant to see if what has been said is being done, IS what IS being done.

And if so, was their report on the up and up. You see, when you live and work with people who see, hear and know things that are going on some what contrary with what TU says publicly, IT DOES kind of make you wonder!

This is not an accusation but a concern and when it was brought up to me about writing this letter, which just might not get just cast aside, I quickly said, "YES!"

To often we (people) just sit and let the chips fall where they may, which is a shame. One reason we here in America are taught History, is so that we HOPEFULLY will learn from past mistakes and in doing so, not let them happen again, or be the reason they happen again.

As a Mother of seven (7) young children, (all whom call Glen Rose, "Home Sweet Home") I am concerned with the issue as a whole from toxic waste, leaks, our water, rumors, etc...

I believe that people that do live here wonder, "Do we REALLY KNOW? Will anyone have the integrity to tell us, if there IS something to KNOW?"

The questions could go on and on, but I'm sure you've heard them ALL.

The Question IS: Are we getting the PROPER ANSWERS?

Sincerely Concerned,

Lula Starves

NOTARY LULA STARVES

Lula Starves

4-10-93
EXPIRATION DATE

P.O.Box 7235
Glen Rose, Tx.
76043
1/29/92

To Whom it may concern,

As a former 5 yr. resident of the "Love Canal landfill homesites", I am DEEPLY concerned about where and how any chemicals, radio-active materials, or ANY trash is disposed of.

Let me ask you a question: How many of the investigators and those involved in safety or those in charge in disposal of these materials actually live here in Somervell County or within 50 miles of Commanche Peak Nuclear Power Plant? Or are they "just doing their job?"

I am a victim of "Salk Vaccine Abuse" so I can testify that when these "unfortunate incidents" hit you or your loved ones, the "facts" you learn on TV or read about in the papers are seen from a whole different perspective.

Sincerely,

Barbara Paul

State of Texas

County of Somervell

This instrument was acknowledged before me on this 29th, A.D.
of January, 1992, by Barbara Paul.

Joyce W. W.
Joyce W. W.

My commission expires 4/22/92

Glen Rose
Jan. 27, 1992

To Whom It May Concern;

These are things we have view in retrospect, and wonder who has the responsibility for causing these things to happen.

I would like to tell you my concerns about this nuclear plant in Glen Rose, Texas.

It is very concerning to me that there has been so much more diseases in this town than before. Like lupus, cancer, mental disease, and that there is a lot more violence and alcoholic now than before. We are not told about the dump sights around our Area, and what damages it is doing to our water and land.

We dug our water well in 1961. The well worked perfect with a small submersible pump for almost 15 years. The construction companies started blowing up huge holes in the earth to build the nuclear plant and furnish their water needs. This constant schacking of the earth and caused our small well to fill in over a period of 4-5 years. This caused us to have to drill a new

well in order to have water. This same thing happened directly across the road from my well to my neighbor's well. Both wells being in a line 4 to 5 miles from the plant site.

I purchased 5 gal containers of chemicals off the side of the road at Chalk Mountain. That I found out later came from the nuclear plant. I put these chemicals on my house thinking they would stop water leaks, but instead the house leaks worse. And God only knows what damage is done to the house and land.

We experienced many strange incidents involving humans and animals on our place the last few years. We feel there is a connection between them and the nuclear plant.

The sirens go off not on the schedule, so how are we supposed to know if it is for real or not.

Joan S. Orr
Bill S. Orr
RT#1 - Box 229
Glen Rose, Texas 76043
817-897-2430

State of Texas
County of Somervell

This instrument was acknowledged before
me on January 28, 1992 by Bill S. Orr
and Joan S. Orr.

Jayce Hall
Comm. expires 4/22/92

Affidavit of Paula McKinney

While working at Comanche Peak Steam
Electric Station (Jan. 1991 through Jun 1991)
I was exposed to the harsh dictatorship
of unruly leaders. To function well under
this type of leadership has little to do
with ones professional abilities.

An example is Jell Gray, the
supervisor over Nancy Arnold and a group
of data entry personnel (including myself)
at Data Base Management. This leader
established the mood of cliques by seeking
to show low morality with personnel.

This separated those who did not agree
with his ethics from his disciples.

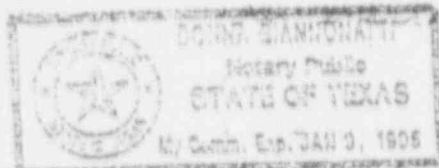
Another reason of concern is that Jell
was previously removed from a leadership
position at CP&E due to the unprofessional
cliques that were formed and interfered with
the homogeneity of personnel and numerous
complaints.

Another leader Nancy Arnold, under
Jell's discipline, ostracized workers with
yelling tactics of discrimination. An incident
where I was threatened to be terminated because
of her and a co-worker yelling accused when I
rejected filling the co-workers work which had
not been signed (she made a continuous
effort not to sign her work). The co-worker
began yelling and using foul language di-
rected toward me. Nancy then joined in the yelling
declaring disciplinary action; a conference with Jell Gray.

At that conference the problem of the co-workers...
refusing to sign the card was minorly addressed
and we were both warned of termination if
another uproar broke out. --

Another uproar did break out, which consisted...
solitarily of the leader screaming discriminatorily
at me in response to a question. I sought
additional advice on job protection by going
through the chain of command and making
an appointment with my supervisor (as
one is advised to do). By doing so, I was immedi-
ately fired and they claimed lack of production.

It is a very apathetic situation to have
leaders ^{with} no concern for what is right. I
fear this is going on in higher levels of command
at CPSES. I am a citizen of Glen Rose and I'm
earnestly concerned with the toxic nuclear waste
that CPSES produces. I realize they have violated
regulations concerning the disposal of hazardous
waste. Glen Rose is a beautiful scenic community
whose people are proud of their natural environment.
Many tourists come to visit our ^{valley} Dinosaur State
Park and swim in the rivers. Who ever can,
please help the Disposable Workers of Comanche
Peak Steam Electric Station along with concerned
citizens to see that stringent safety regulations
are carried out by T.U. Electric and CPSES so that
the environment may be protected.



Earnestly yours,

Subscribed before me the 20th
day of January, 1992
Donna Mansoratti

Darla McKinney

1-29-92

Marilyn Helms
P.O. Box 474
Glen Rose, TX
76043

To: Whom it may concern,

I have lived in Glen Rose since Aug. 1969 and in my present home since Feb. 1974. From these dates to the present there seems to be a great escalation of cancer in adults and children in this area.

The nuke plant located 4 miles from my home and known by the name Comanche Peak Steam Electric Generating plant has become a concern to me once again, in-regard to possible unlawful dumping of chemicals and poisons in sites in and around ~~Glen Rose~~ ^{Somervell} County.

I voice my concern for the health and well being of myself and my family members and request this be investigated as soon as possible.

Thank you
Marilyn Helms

State of Texas

County of Somervell

This instrument was acknowledged before me on 29th day of January, 1992,
by Marilyn Helms.

Joyce Hall
Joyce Hall

My commission expires 4/22/92

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was sent to all parties to this action listed below, by courier, on this the 20th day of February, 1992.



Affiant

United States Nuclear Regulatory Commission
Offices of Ivan Selin, Chairman
11555 Rock Pike
Rockville, Maryland 20852

Janice Moore, Esquire
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rock Pike
Rockville, Maryland 20852

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

Juaniva Ellis, President
Citizens Association for Sound Energy
1426 South Polk Street
Dallas, Texas 75224

OFFICE OF SECRETARY
JAMES H. HARRIS
WASHINGTON, D.C. 20545

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