

U.S. NUCLEAR REGULATORY COMMISSION
DOCKET NOS. 50-445 AND 50-446
TEXAS UTILITIES ELECTRIC COMPANY
COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR §2.206

Notice is hereby given that by Petition of May 19, 1992, Sandra Long Dow, dba Disposable Workers of Comanche Peak Steam Electric Station, and Micky Dow (Petitioners) have requested that the Commission take action regarding the Comanche Peak Steam Electric Station, Units 1 and 2. Specifically, the Petitioners request that the Commission order the immediate shutdown of Unit 1 of the Comanche Peak Steam Electric Station and institute a proceeding to modify, suspend, or revoke the license held by the Texas Utilities Electric Company for Unit 1. The Petitioners also request suspension of any consideration of extension or modification of the construction permit for Unit 2 of the facility pending the resolution of any proceeding regarding the license for Unit 1.

As a basis for this request, the Petitioners allege that the licensee has failed to demonstrate the necessary character and capability that are the primary factors to be considered in granting a license, and has shown a "downward spiral" in violations, reportable incidents, and NRC staff concerns, including perjury and probable criminal misconduct. To support this general assertion, the Petitioners allege numerous specific incidents, including that since November 1991, there has occurred: (1) a leak in a pressure tank causing 100 mile-per-hour winds in the access tunnel between Units 1 and 2, which resulted in a female employee being blown into a radiation area;

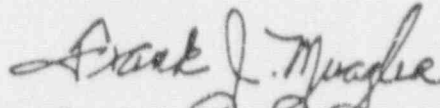
(2) resin was spilled into the core because of personnel error and misalignment of valves; (3) a "hot" valve in Unit 2 cut in two causing a radiation release and exposure to several individuals; (4) of the sample weekly reports, 26 documented "reportable incidents," numerous areas showing direct concern by Region IV, and at least 6 reactor trips; (5) proposed fines for violations totaling about \$100,000 for 1992; and (6) an additional reactor trip occurred during the week of May 11, 1992, after which the spent fuel pool for Unit 1 was without cooling water for approximately 20 hours causing an abnormal rise in temperature and which Petitioners submit is evidence of a continuing problem involving the use of improperly trained control room personnel. The Petitioners also submit as an attachment to their Petition a photograph which they assert shows Comanche Peak control room staff to be asleep, a practice which they state is known to be the common manner for control room personnel. The Petitioners also allege inaction on the part of Region IV personnel in response to the licensee's violations, and duplicity between the licensee and Region IV personnel. To support their assertion of such duplicity, the Petitioners claim that they can provide the Commission with the transcripts of audio tapes of conversations between the licensee and certain individuals.

The request is being treated pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection in the U.S. Nuclear Regulatory Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 10th day of June 1992.

FOR THE NUCLEAR REGULATORY COMMISSION



Frank J. Miraglia, Acting Director
Office of Nuclear Reactor Regulation

10 days from 22nd
Tue. 22nd

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SANDRA LONG DOW dba DISPOSABLE §
WORKERS OF COMANCHE PEAK STEAM §
ELECTRIC STATION, and R. MICKY DOW, §

Petitioners', §

No. 92-1224

VS. §

THE UNITED STATES NUCLEAR §
REGULATORY COMMISSION, and TEXAS §
UTILITIES ELECTRIC COMPANY, §

EMERGENCY CONSIDERATION

Respondents. §

PETITION FOR TEMPORARY RESTRAINING ORDER
OR IN THE ALTERNATIVE REQUEST FOR PRELIMINARY INJUNCTION

TO THE HONORABLE JUSTICES OF THIS COURT:

Comes now, Sandra Long Dow dba Disposable Workers of Comanche Peak Steam Electric Station, and R. Micky Dow, hereinafter petitioners, and make this, their emergency petition for a temporary restraining order to this court, and for cause would show the court that,

I.

This petition is filed pursuant Rule 65 (b) of the Federal Rules of Civil Procedure, and notice has been given the respondents by courier, as so stated in the Certificate of Service attached hereto.

II.

Jurisdiction is proper with this court in that the action lists an agency of the United States with regard to one of its official acts as an agency for the United States.

III.

Petitioners are both citizens of the United States, with their temporary residence being in the Commonwealth of Pennsylvania.

IV.

Petitioners are man and wife and own property in the State of

Texas within a 50 mile radius of the Comanche Peak Steam Electric Station, located in Glen Rose, Texas, the subject matter of this petition, and the organization known as Disposable Workers of Comanche Peak Steam Electric Station has its original place of registration located in Tarrant County, Texas.

V.

Although petitioners are in temporary exile from their domiciliary, they fully plan to return to Texas, and have left behind their natural children who reside in the State of Texas.

VI.

Petitioners represent a group of people who are unable to file an action of their own, and support that claim by affidavit attached hereto, and incorporated by reference the same as if fully copied and set forth at length.

VII.

Petitioners' would allege and aver that they have attempted to exhaust all other immediate remedies, but that no other available forum exists whereby they could obtain relief, and that a situation has arisen of such emergency state that petitioners could and would sustain an irrevocable injury to both property and life before counsel for the respondents could be heard in this matter. Petitioners' only available remedy, at law, was to file the pleading which is attached hereto and incorporated by reference the same as if fully copied and set forth at length, but pursuant the Code Of Federal Regulations, the respondents have an unspecified time in which to respond. See 10 C.F.R. §2.206(b).

In addition 10 C.F.R. §(c)(2) stipulates that no review by the courts is allowable in case of a denial of the request. Although this

portion of the regulation contains a clear violation of the Constitutional guarantees of Due Process, it would, in all probability, take years, and require the ruling of the U.S. Supreme Court, to ascertain. There have been 96 such petitions filed with the U.S. Nuclear Regulatory Commission, requesting modification, suspension, or revocation of the operating license for a nuclear power facility, much the same as petitioners' pleading attached hereto. All have been summarily denied by the Commission, and in so, have failed without recourse.

With this estoppel, petitioners are barred from an adequate, and fair forum in which to plead this matter. No other exists, save this court.

VIII.

The exhibit, upon which this petition depends, shows, not only a clear violation of existing regulation, which by that regulation, mandates shut-down, for the public interest and safety; it also shows, clearly, that the U.S. Nuclear Regulatory Commission is intending, and has ignored that regulation, contrary to the public interest and safety.

WHEREFORE, PREMISES CONSIDERED, petitioners' would respectfully request the court take judicial notice of the extreme danger to the public, and to these petitioners, that was narrowly avoided by sheer chance, and that to allow this facility to continue operation until counsel can be heard is to expose the public, and these petitioners to a probable and certain irrevocable injury, for which no adequate remedy as law exists.

Petitioners' request that the court issue orders immediately ordering Texas Utilities Electric Company to cease operations of the Unit 1 reactor at the Comanche Peak Steam Electric Station, located at Glen Rose, Texas, and enjoining them from further operations until

PETITION FOR TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION -3-

such time as a hearing can be had on Petitioners' request for a preliminary injunction.

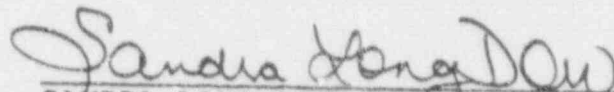
Petitioners' would further request that the court set a date and time for the hearing of their request for preliminary injunction and issue notice to all parties.

Petitioners' would also request that the court issue orders to the U.S. Nuclear Regulatory Commission restraining them from taking any action on the application of Texas Utilities Electric Company to extend the construction permit for Unit 2 at the Comanche Peak Steam Electric Station, located at Glen Rose, Texas, until such time as the hearing of petitioners' request for preliminary injunction can be heard.

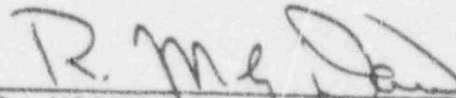
Petitioners would also request In Banc consideration, and oral pleadings on their request for preliminary injunction.

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,



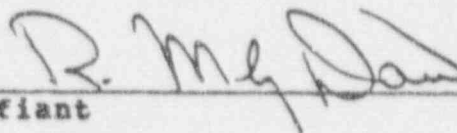
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R. MICKY DOW, pro se
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CERTIFICATE OF SERVICE

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



Affiant

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