

DOCKETED  
JSA:JCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

03 MAR 23 P4:22

## COMMISSIONERS:

Ivan Selin, Chairman  
Kenneth C. Rogers  
James R. Curtiss  
Forrest J. Remick  
E. Gail de PlanqueIn the Matter of:  
TEXAS UTILITIES ELECTRIC  
COMPANY, et al.(Comanche Peak Steam  
Electric Station, Unit 2)

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

PETITION FOR LEAVE TO INTERVENE  
BY R. MICKY DOW, AND ON BEHALF OF RON JONES, AND YVONNE WILKINSON

Comes now, R. Micky Dow, himself, and on behalf of Ron Jones, and Yvonne Wilkinson, and makes this, his Petition for Leave to Intervene, in the above-styled and docketed proceedings, pursuant Title 10, Section 2.714(a)(1) of the Code of Federal Regulations, and for cause would show that.

I.  
STANDING

R. Micky Dow, hereinafter petitioner, has the requisite standing with which to seek intervention, in that he is domiciled, and has his residence within a 50-mile radius of the installation known as the Comanche Peak Steam Electric Station, the licensing of its Unit 2, therein, the subject of this petition, and, in so residing, is directly affected by any action taken with regard to the licensing and operation of the aforesaid facility, and would be adversely affected thereby.

PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -1-9304020172 930323  
PDR ADDCK 05000446  
C PDR

Ron Jones is also a party who lives and is domiciled within a 50-mile radius of the subject power plant, and would also state and aver that he believes he would adversely affected should this license be granted. Ron Jones is also a member of the Board of Directors for the Disposable Workers of Comanche Peak Steam Electric Station, a public interest group of which petitioner Dow is the Public Relations Director and official spokesperson. As such, by written representation agreement, the aforesaid Dow does hereby represent Ron Jones in this and an action under the Federal Tort Claims Act, a copy of that representation agreement is attached hereto and made a portion of this petition, as if fully copied and set forth at length.

Yvonne Wilkinson is also a party who lives and is domiciled within a 50-mile radius of the subject power plant, and would also state and aver that she believes she would be adversely affected should this license be granted. Yvonne Wilkinson is also a member of the Board of Directors for the Disposable Workers of Comanche Peak Steam Electric Station, a public interest group of which petitioner Dow is the Public Relations Director and official spokesperson. As such, by written representation agreement, the aforesaid Dow does hereby represent Yvonne Wilkinson in this and an action under the Federal Tort Claims Act, a copy of that representation agreement is attached hereto and made a portion of this petition, as if fully copied and set forth at length.

Because of this, and other reasons, all three of the  
PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -2-

parties named herein have standing to intervene in that they live and reside within a 50-mile radius of the subject power plant. They and their children work and recreate in this area, and they eat food, and drink the water which is produced in this area.

## II.

### CONTENTIONS.

The parties would submit the following contentions in support of their argument that license should not issue:

#### 1. Lack of Character and Competence To Hold A License.

The applicant does not possess, nor have they demonstrated, the requisite character to hold a license for operation of this facility, and to demonstrate, they:

a) have violated the conditions for licensing by refusing to take on, and keep, minority shareholders in the project. The applicant did, initially, take on the aforesaid partners, but forced them off the project, and bought their silence illegally, by virtue of a settlement agreement which paid these minority holders a sum in excess of \$4500.00 per kilowatt hour, and they refuse to disclose the terms of that agreement, contrary to law:

b) do not have the requisite security necessary to protect the female employees at CPSES, nor the administrative capability to insure women the freedom and safety to file and maintain a report of sexual harassment, abuse, and/or discrimination, in that one female employee, a Sharon Palmer, was raped by a senior Brown & Root Vice-President, Larry Ashley, and the aforesaid Palmer was coerced by the applicant not to file criminal charges, was sent home, AND RECEIVED A WEEKLY PAYCHECK, for a period in excess of one year, and then her job slot was eliminated:

c) do not have the requisite security necessary to prevent parties from penetrating the secured areas of the facility, at will, nor to protect employees from attack, in that, persons penetrated the security area of the plant, in conspiracy, and successfully attacked, mutilated, and raped a security officer, transported her unconscious to another area, without her weapon, and she was not discovered for a period of several hours. This employee was also threatened and coerced by applicant personnel not to file charges, told that she was interfering with refueling and her "situation, if it were allowed to continue" would and could injure the licensing process. This security guard, one Tracy Wheeler, also told these parties, on tape, that she was told to just "give us a name, and he will be fired, but he will never know you were behind it", and she was further told that if she did not cooperate, and withdraw charges, the

PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -3-

applicant would go back through her life, to the age of 2, if necessary, until they found something with which to discredit her;

c) continue to ignore Section 211 of the Atomic Energy Act, as amended, and openly harass and discriminate against persons or groups of persons who engage in protected activity, in that applicant personnel wrote to employee, and party, Yvonne Wilkinson and attempted to coerce her to return 16 reels of audio tape recordings which contain conversations from CPSES which will prove duplicity between applicant personnel and the Region IV office of the NRC, and when she refuse, stating she no longer possessed these tapes, her access to the plant was revoked, not only costing her the job, but preventing her from seeking employment with any other contractor at this facility;

d) have failed to maintain an atmosphere of racial tolerance, in that the applicant openly circulate a memo which contained racially sensitive language, and when a minority employee discovered, and obtained a copy of the memo, the applicant coerced him, by threat to his job, to release that memo back to applicant personnel, leaving him without proof, thereof.

## 2. Applicant Engages In Criminal Activities With Impunity.

The applicant herein engages in the following, but not limited to activities of criminal import:

a) obstruction of justice, in that they have, on at least three occasions prevented employees from filing criminal charges, in the cases of Palmer, and Wheeler, specifically;

b) conspiracy to deny access to the courts of an adversary to licensing, as well as selective and abusive prosecution, in that the applicant, in conspiracy with the Tarrant County, Texas Office of the District Attorney, and others, conspired to jail party R. Micky Dow in order to prevent, preclude, deny, or limit his access to various courts and administrative tribunals, at times of great import in order to stop his appearances, and the filing of various pleadings which would have a direct impact on these and other proceedings affecting licensing, and/or construction and operation of the subject power plant;

c) conspired with the Region IV office of the NRC in authoring and presenting to the public a fraudulent report on the Tracy Wheeler rape incident, giving a false location where she was discovered, as well as not interviewing or contacting any of the off-duty personnel, some of whom they had full knowledge were involved in the conspiracy to perpetrate the attack, as it would have uncovered the common, and well-known method of "tail-gating" to penetrate secured areas without discovery at the subject site.

## 3. Failure To Construct A Safe Facility.

The applicant has, and continues to fail to construct a safe

facility in that contentions which were raised, and then withdrawn, in the original license proceedings (for Unit 1) were never presented, nor addressed, and, therefore, never corrected, and the same were done so without the knowledge and consent of the parties raising them, specifically, those of Dobie Hatley and Ron Jones, as well as other who do not wish to be named at this time.

In addition, contentions which party R. Micky Dow has presented have, by public record, never been inspected in the Unit 2 area, specifically the failure to properly label pressure valves and limit switches, some of which have already been directly responsible for shut-downs, and/or "trips".

By affidavit, attached hereto, and made a portion of this petition, as if fully copied and set forth at length, are the preliminary statements by party Ron Jones which evidence further contentions which have not been addressed.

The same is true of the 1000 welding violations reported by the, now deceased, Charles Atchison, whose original notebooks and list of violations, including the log sheets, party R. Micky Dow is prepared to deposit with the Commission.

These parties would allege, contend, and aver, that they believe the applicant is attempting to secret the construction and safety violations, on both Units 1 & 2, in an attempt to get the operating license for Unit 2, and, then, operate the Comanche Peak Steam Electric Station, in a profit generating mode, on the Unit 2 portion alone, while they then, in secret, and without public knowledge, close down the Unit 1 portion and attempt to

PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -5-

correct that various violations of the Unit 1 portion, and then, in the same manner, switch, closing down the Unit 2 portion, doing the same thing, as this would not have any effect on the operating license. The parties, however, would be effectively denied any method of challenge, thereby.

III.  
HEARINGS DEMANDED

The parties, hereto, strongly urge, and request, a hearings process to be initiated in these proceedings, and openly contend that the result thereof, will be the denial of any manner of operating license for this applicant at this time, and to do otherwise is to expose these parties, and others of the general public in and around this facility to the prospect of a real and serious accident which would, in all probability result in vast property damage, injury, and death.

Failure to grant a hearings process would leave these parties to no alternative method of challenge to the license for Unit 2, their only recourse at law being by virtue of 10 C.F.R. section 2.206, which is an after-the-fact method, and not equitable for their purposes or intent.

IV.  
OTHER ISSUES STILL NOT SETTLED

There are still other matters, both before the courts, and this commission, which have not been properly adjudicated, and to initiate a licensing proceeding is untimely, and contrary to law. To simply "go ahead", and grant this license without the courts having ruled, or these parties afforded an opportunity to be heard, is contrary to law, and raises some serious due process

PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -6-



concerns. The Commission, nor this applicant, cannot simply usurp the Constitutional rights of these parties and grant a license without the public being an intervening party to it.

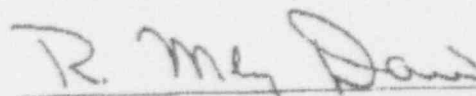
V.  
CONCLUSIONS

In closing, the parties would aver that they believe they would have a direct impact, as well as a constructive input on any proceeding involving the license of Unit 2 for this facility and that they have the requisite standing to intervene therein, and that to deny same will be to expose them to immediate and irreplaceable injury and harm to themselves, their property and their families.

WHEREFORE, PREMISES CONSIDERED, these parties pray their Petition For Leave to Intervene be granted, and that a hearings process, for the licensing of Unit 2 at the Comanche Peak Steam Electric Station, located at Glen Rose, Texas, be initiated, and notice issue to that effect, and that any other process, or proceeding to the contrary be stayed immediately upon the receipt of this petition.

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,



R. MICKY DOW, Representative and  
Petitioner  
506 Mountain View Estates  
Granbury, Texas 76048  
(817) 573-0923

PETITION FOR LEAVE TO INTERVENE BY R. MICKY DOW -7-

DISPOSABLE WORKERS OF COMANCHE PEAK  
STEAM ELECTRIC STATION  
R E P R E S E N T A T I O N  
A G R E E M E N T

The following is an agreement between R. Micky Dow, agent for Disposable Workers of Comanche Peak Steam Electric Station, and Marla Yvonne Wilkinson, of Granbury, Texas 76048, includes the members of her family, her issue per stirpes, agents assigns. As the aforesaid Wilkinson is a member of the Board of Directors for the hereinabove identified organization, it also covers any, and all activities, duties, and assignments with regard to that organization and its functions. This agreement consists of the following, to-wit:

1. R. Micky Dow, hereinafter representative, does hereby contract and agree to represent Wilkinson, hereinafter client, on a pro bono (i.e. no fee charged for services) basis, now and forever.

2. The representative agrees to represent the client with regard to the filing and prosecution of a tort claim, pursuant to the Federal Tort Claims Act, regarding injuries occurring during, and subsequent to client's employment at the Comanche Peak Steam Electric Station, and/or all activities involving client and Texas Utilities Electric Company or Brown & Root, Incorporated.

3. The representative agrees to represent the client with regard to any and all actions, investigations, inquiries, and/or hearings before, or in regard to any matters currently pending or initiated by the United States Nuclear Regulatory Commission, or any other agency of the United States acting in cooperation or consort with that agency.

4. Both parties to this agreement do hereby acknowledge that there does exist, and they do recognize a representative/client privilege, with regard to testimony, interview, and/or the sharing of any manner of evidence, and that the representative is the only and official voice for these parties.

5. The client grants unto the representative a full power of attorney, limited to the issues hereinabove described, to negotiate, reach agreement, or testify for the client, limited to these factors only, and the representative does hereby acknowledge and affirm that he cannot sign any manner of agreement and/or receive any monies or other manner of compensation without the express consent of the client.

6. The only liability client holds to representative is for reimbursement of any justifiable and necessary expenses, to be

REPRESENTATION AGREEMENT -1-

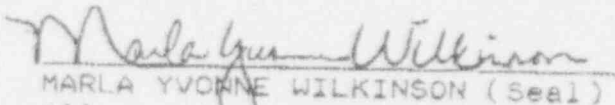



deducted from any settlement or other manner of possible recovery or compensation at the time of receipt of same.


7. Client does hereby affirm that he is aware that the agent is not a licensed attorney and has never represented himself to be one. Client further releases the agent from any liability, save that which arises from negligence, which might result.

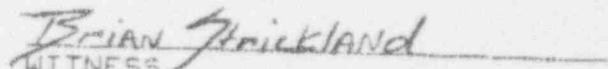
This agreement shall remain in force, unless cancelled by either party by written notice thereof, for a period of three years from the date of the signing thereof.

DATED AND SIGNED this 5th day of January, 1992, in witness whereof the parties do hereby affix their sign and seal.

  
MARLA YVONNE WILKINSON (Seal)  
Client  
506 Mountain View Estates  
Granbury, Texas 76048

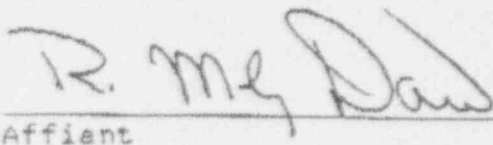
  
R. MICKY DOW (Seal)  
Representative

  
WITNESS

  
WITNESS

## CERTIFICATE OF SERVICE

93 MAR 23 PM 2:22  
This is to certify that the foregoing was sent by telephone facsimile to the Docketing Section of the U.S. Nuclear Regulatory Commission, and a true and correct copy sent there as well as the parties listed hereinbelow by regular U.S. Mail, on this the 22nd day of March, 1993.



Affiant

Docketing Section  
U.S. Nuclear Regulatory Commission  
11555 Rock Pike  
Rockville, Maryland 20852

Charles A. Mullins, 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.  
1617 L Street, N.W.  
Washington, D.C. 20036

Robert A. Wooldridge  
Worsham, Forsythe, Sampels & Wooldridge  
Suite 3200  
2001 Bryan Tower  
Dallas, Texas 75201

Mike Kohn  
Kohn, Kohn & Calapinto  
517 Florida, N.W.  
Washington, D.C. 20001