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FEBRUARY 6, 1986

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'86 FEB -7 P3:35

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In the Matter of)

TEXAS UTILITIES ELECTRIC)
COMPANY, et al.)

(Comanche Peak Steam Electric)
Station, Units 1 and 2))

Docket Nos. 50-445 CL
50-446

NRC STAFF RESPONSE TO
HENRY A. STINER'S LETTER
REQUESTING INTERVENTION

On January 22, 1986, the Atomic Safety and Licensing Board ("Board") issued a "Memorandum (Letter from Henry Stiner)", which attached an undated (and apparently unsigned) letter from Henry A. Stiner ^{1/} to the Board. According to the Board's Memorandum, Mr. Stiner's letter was "read by the Board and is provided to the parties for appropriate action." However, the Board indicated that the letter is "not a part of the record." ^{2/} Mr. Stiner's letter consists largely of his discussion of the circumstances surrounding his appearance as a witness in this proceeding, and his disagreement with those portions of the Board's decision ^{3/} which resolved welding allegations raised by Mr. Stiner. At the conclusion of his letter,

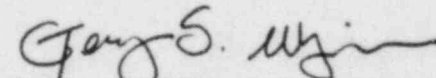
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- ^{1/} Mr. Stiner was a witness for Intervenor CASE in this proceeding.
- ^{2/} The Staff understands this to mean that Mr. Stiner's letter is not evidence admitted into the hearing record.
- ^{3/} "Memorandum (Concerning Welding Issues)", LBP-84-S3, 20 NRC 1646 (1984).

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Mr. Stiner requests that he be made "a party to the hearing in accordance with 10 C.F.R."

The Staff opposes Mr. Stiner's late-filed request to intervene in this proceeding. His letter does not mention, let alone address, the five factors in 10 C.F.R. Section 2.714(a)(1) governing requests for late-filed petitions to intervene. Mr. Stiner's letter also does not address the criteria for intervention in Section 2.714(d), nor does it indicate the subject matter as to which Mr. Stiner wishes to intervene as required by Section 2.714(a)(2). ^{4/} In light of the clear deficiencies of Mr. Stiner's request, the NRC Staff moves that the Board summarily deny his request to become a party in this proceeding.

Respectfully submitted,


Geary S. Mizuno
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 6th day of February, 1986

^{4/} The Staff is currently assessing Mr. Stiner's letter to determine if there are any technical allegations requiring further Staff review. The Staff has referred Mr. Stiner's allegation of Staff misconduct to the NRC Office of Inspector and Auditor.

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OFFICE OF
DOCKETING & SERVICE
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO HENRY A. STINER'S LETTER REQUESTING INTERVENTION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of February, 1986:

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