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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before Administrative Judges:

'86 MAR 17 P3:22

Peter B. Bloch, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

Docket Nos. 50-445-OL
50-446-OL

TEXAS UTILITIES ELECTRIC COMPANY, et al.

ASLBP No. 79-430-06 OL

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

March 14, 1986

MEMORANDUM AND ORDER

MEMORANDUM

(Henry Stiner's Petition to Intervene)

Henry Stiner's Petition to Intervene of February 6, 1986, will be denied.

We know Henry Stiner well. He has appeared at our hearings on multiple occasions. His allegations have been the subject of our orders, including initial orders and orders with respect to motions to reconsider.

During the time we have known Henry Stiner, he has been represented by Mrs. Juanita Ellis, President of Citizens Association for Sound Energy. Mrs. Ellis has worked with great diligence on his behalf. Her energy, dedication and ability are well known to us. In addition, we endeavored as a Board to ask whatever questions we could to clarify the matters before us. We are satisfied that the questions we have addressed in our hearings have been fully and fairly litigated and we are not going to admit a late filed petition with respect to matters that we have already covered. Mr. Stiner's voluntary election of his method of representation, continued by him after becoming fully aware of Mrs. Ellis's abilities, cannot now be undone because he is not satisfied with the outcome.

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In addition, we note that the Comanche Peak Task Force of the Staff of the Nuclear Regulatory Commission (Staff) has made an independent examination of welding practices. They have found some deficiencies that will be corrected. The Comanche Peak Response Team, of Texas Utilities Electric Co., et al., (Applicants) also is covering welding issues, subject to review by the Staff and --within the scope of the admitted contention and subject to procedural regulations regarding grounds for reopening the record with respect to matters already tried-- by this Board as well. Hence, the Staff and Applicants are addressing their independent responsibilities to see to the safety of this plant. That is why the Board referred Mr. Stiner's letter to the Staff and Applicants, whose interests in a safe plant supplement the interest of this Board.

A person's disappointment with the outcome of issues in which they have been represented by a party is not an adequate reason to admit that person as a party.


O R D E R

For all the foregoing reasons and based on consideration of the entire record in this matter, it is this 14th day of March 1986

ORDERED:

The Petition to Intervene filed by Henry Stiner on February 6, 1986, is denied. This is a final order of the Board with respect to Mr. Stiner and is appealable by filing a notice of appeal and accompanying supporting brief within ten days after service of the order, pursuant to 10 CFR § 2.714a.

FOR THE
ATOMIC SAFETY AND LICENSING BOARD



Peter B. Bloch, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland