

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
GULF STATES UTILITIES COMPANY	)	Docket Nos. STN 50-510
	)	STN 50-511
(Blue Hills Station, Units 1 and 2)	)	

NRC STAFF MOTION FOR  
ISSUANCE OF PARTIAL INITIAL DECISION

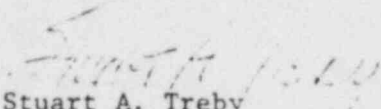
The NRC Staff respectfully moves the Atomic Safety and Licensing Board to issue its partial initial decision concerning the issues of site suitability pursuant to 10 CFR § 2.101(a-1) on which hearing was held May 9, 1979.

In the present uncontested early site review case, all proposed findings of fact, conclusions of law and responses to proposed findings were filed by the parties by July 20, 1979. Since that time, no additional filings have been made on these dockets other than Board notifications submitted by the Staff, applicant's motion for transcript corrections filed on August 22, 1979 and a Notice of Withdrawal of Appearance by NRC Staff Attorney Lawrence Brenner filed on October 15, 1979. During the period since July 29, 1979, no order nor any decision has been issued by the Licensing Board in this proceeding.

Appendix A to 10 CFR Part 2 § VI(d), indicates that a board will ordinarily render a decision within 15 days after the receipt of proposed findings in an uncontested case and within 35 days in a contested case. While Appendix A § VI(d) is directed to issuance of "initial decisions", the guidance set forth in this section is, we believe, equally applicable

to the issuance of partial initial decisions of the type involved here.<sup>1/</sup>  
The Staff believes that in the interest of orderly resolution of this uncontested proceeding which has been pending for thirteen months, the Partial Initial Decision Concerning Site Suitability issues should be issued. Accordingly, the Staff respectfully requests the issuance of such decision at the Licensing Board's earliest convenience.

Respectfully submitted,

  
Stuart A. Treby  
Assistant Chief Hearing Counsel  
for NRC Staff

Dated at Bethesda, Maryland  
this 5th day of September, 1980

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<sup>1/</sup> Cf. Kansas Gas and Electric Company, et al. (Wolf Creek Nuclear Generating Station, Unit 1), ALAB-331, 3 NRC 771, 774 at n.4 (1976) (for appeal purposes under 10 CFR § 2.762, a "partial initial decision" paving the way for issuance of an LWA is within the intendment of that Section which refers only to appeals of "initial decisions"); Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Units 1&2), ALAB-301, 2 NRC 853, 854 (1975) (although an early "partial initial decision" on site suitability issues might not authorize construction, it nevertheless deals with legitimate interests that may be furthered by a prompt determination, is significant, is appealable, and, absent appeal, is subject to sua sponte review by the appeal board).

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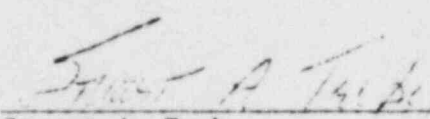
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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713(a), 10 CFR Part 2, the following information is provided:

Name	-	Stuart A. Treby
Address	-	U. S. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, DC 20555
Telephone Number	-	Area Code 301 - 492-8661
Admission	-	Supreme Court of the United States Court of Appeals for the State of New York
Name of Party	-	NRC Staff U. S. Nuclear Regulatory Commission Washington, D. C. 20555

  
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Stuart A. Treby  
Assistant Chief Hearing Counsel  
for NRC Staff

Dated at Bethesda, Maryland  
this 5th day of September, 1980

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NUCLEAR REGULATORY COMMISSION

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In the Matter of )

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR ISSUANCE OF PARTIAL INITIAL DECISION" and "NOTICE OF APPEARANCE" for Stuart A. Treby 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 5th day of September, 1980:

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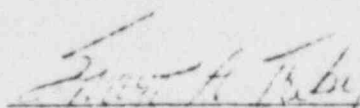
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Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Appeal  
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Washington, DC 20555

Docketing and Service Section (7)\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
\_\_\_\_\_  
Stuart A. Treby  
Assistant Chief Hearing Counsel  
for NRC Staff