

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Administrative Judges:

Gary J. Edles, Chairman  
Dr. W. Reed Johnson  
Thomas S. Moore

July 10, 1986

SERVED JUL 11 1986

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In the Matter of )  
 )  
HOUSTON LIGHTING AND POWER )  
COMPANY, ET AL. )  
 )  
(South Texas Project )  
Units 1 and 2 )  
\_\_\_\_\_ )

Docket Nos. 50-498-OL  
50-499-OL

ORDER

On June 13, 1986, the Licensing Board issued a partial initial decision in Phases II and III of this operating license proceeding. Under the Commission's regulations, any appeal from that decision had to be filed by June 30, 1986.<sup>1</sup> No appeal was filed within the prescribed period. Accordingly, the decision will be reviewed by this Board sua sponte. For this reason, the June 13 partial initial decision is not to be deemed final pending further order of this Board.


The Licensing Board's opinion indicates that "we are requiring further development of the record with respect to one aspect of the hurricane design issue. Beyond that, one

<sup>1</sup> 10 CFR 2.762(a); 10 CFR 2.710.

additional element of the hurricane issue (construction of the STP to withstand hurricanes) remains for possible further adjudication."<sup>2</sup> We may conduct our sua sponte review of the June 13 partial initial decision at the same time we review the Licensing Board's disposition of the remaining issues.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

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<sup>2</sup> LBP-86-15, 23 NRC \_\_\_\_, \_\_\_\_ (June 13, 1986) (slip opinion at 3).