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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Alan S. Rosenthal, Chairman  
Dr. W. Reed Johnson  
Thomas S. Moore

DOCKETED  
'85 DEC 26 P3:17  
December 26, 1985

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
SERVED DEC 26 1985

In the Matter of )

TEXAS UTILITIES ELECTRIC )  
COMPANY, et al. )

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

Docket Nos. 50-445 OL ~~400001~~  
50-446 OL ~~400002~~

MEMORANDUM AND ORDER

In a telephone conference on December 24, 1985, the parties to this operating license proceeding were advised that the Docket 2 Licensing Board was being dissolved.<sup>1</sup> As a result of this action, all further exploration of the intervenor's Contention 5 will be conducted by a single (i.e. the Docket 1) Licensing Board.

This development plainly renders academic the applicants' petition for directed certification of the Licensing Board's October 31, 1985 order. The sole relief sought by that petition was an order instructing the Docket 1 and Docket 2 Licensing Boards "to conduct their activities

<sup>1</sup> Our unpublished December 23, 1985 order had called upon that Board to consider expeditiously whether such a step was warranted. We commend the Board for its immediate response to the order.

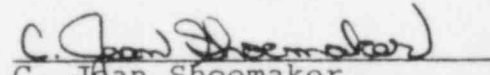
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as separate entities within their respective jurisdictions and to rule accordingly."<sup>2</sup> Moreover, in a subsequent memorandum, the applicants characterized their petition as raising "the fundamental question of the scope of the respective jurisdictions of the two separate Licensing Boards sitting in the two dockets in this matter."<sup>3</sup> That question no longer exists.

Accordingly, our December 4, 1985 order scheduling oral argument on the directed certification petition for January 3, 1986 is hereby vacated and the petition dismissed on the ground of mootness.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

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<sup>2</sup> Applicants' Petition for Directed Certification of Licensing Board Order of October 31, 1985 (November 4, 1985) at 12.

<sup>3</sup> Applicants' Memorandum in Response to Appeal Board Order of November 8, 1985 (November 14, 1985) at 1.