

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Richard S. Salzman, Chairman
Dr. John H. Buck
Thomas S. Moore

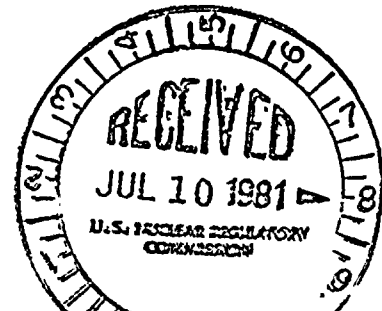


In the Matter of)
PENNSYLVANIA POWER & LIGHT COMPANY)
and)
ALLEGHENY ELECTRIC COOPERATIVE, INC.)
(Susquehanna Steam Electric Station,)
Units 1 and 2)

Docket Nos. 50-387
50-388

MEMORANDUM AND ORDER

July 8, 1981



1. By motion filed June 2, 1981, pro se intervenor Citizens Against Nuclear Danger ("CAND") seeks review now of Licensing Board rulings made on May 20th. We are asked to set aside the Board's actions to the extent that they (1) preclude the Environmental Coalition on Nuclear Power (a separate intervenor) from further participation in the safety and health phase of the proceeding for repeatedly refusing to make discovery; (2) grant applicants' motion for summary disposition of Contention 12 (alleging the existence of a safety problem with feedwater spargers); (3) decline to take up as premature questions about applicants' request for a new fuel receipt and storage license for a low-level radioactive waste

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holding facility; and (4) summarily dispose of portions of Contention 17 on the environmental consequences of very high-voltage transmission lines.

2. The bases for the Licensing Board's rulings are fully explained in its May 20th "Memorandum and Order on Pending Motions"; we need not restate them here. The applicants and staff argue that those rulings are correct on the merits. We may not reach such matters because each of them is interlocutory in character. In other words, none eliminates CAND from the proceeding or effectively disposes of a major segment of the case. CAND's appeal must therefore abide the Board's "initial decision" at the end of the case. In the circumstances presented, "[n]o interlocutory appeal may be taken . . . from a ruling of the presiding officer." 10 CFR §2.730(f). Boston Edison Co. (Pilgrim Station, Unit 2), ALAB-269, 1 NRC 411, 413 (1975); Cincinnati Gas & Electric Co. (William H. Zimmer Station), ALAB-633, 13 NRC __ (February 9, 1981) (slip opinion at 1); Pennsylvania Power & Light Co. (Susquehanna Station, Units 1 and 2), ALAB-641, 13 NRC __ (May 15, 1981) (slip opinion at 1-2). CAND's motion is therefore denied.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board

