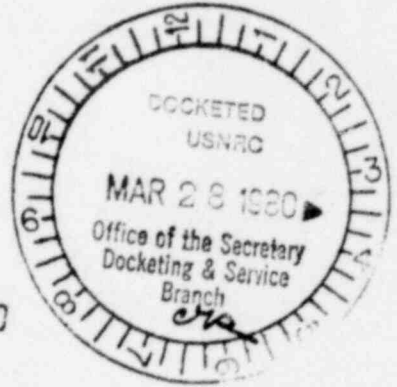


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar



SEIVED

MAR 28 1980

In the Matter of)
)
HOUSTON LIGHTING & POWER COMPANY)
)
(Allens Creek Nuclear Generating)
Station, Unit 1))
)

Docket No. 50-466

Mr. Bryan Baker, Houston, Texas, appellant
pro se.

MEMORANDUM AND ORDER

March 27, 1980

(ALAB-586)

Bryan Baker endeavors to appeal from so much of the Licensing Board's unpublished March 10, 1980 order as rejected one of the contentions submitted in connection with his petition for leave to intervene in this construction permit proceeding. It appears, however, that Mr. Baker's intervention petition was granted on the strength of another contention advanced by him. Order, pp. 45-47. In these circumstances, the appeal must be summarily dismissed on the ground that it is unauthorized by the

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Commission's Rules of Practice. As we had occasion to observe a few days ago in disposing of the appeal of another petitioner dissatisfied with the March 10 order:

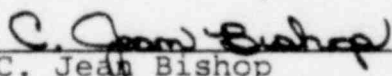
Those Rules do not permit a person to take an interlocutory appeal from an order entered on his intervention petition unless that order has the effect of denying the petition in its entirety. 10 CFR 2.714a; Gulf States Utilities Co. (River Bend Station, Units 1 and 2), ALAB-329, 3 NRC 607, 610 (1976), and cases there cited.

ALAB-585, 11 NRC ____, ____ (March 25, 1980).^{1/}

Appeal dismissed.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board

^{1/} As ALAB-585 went on to point out, an intervenor in Mr. Baker's situation must await the rendition of the Licensing Board's initial decision. If dissatisfied with that decision, the intervenor can take an appeal from it under 10 CFR 2.762(a). One of the matters that can be raised on such an appeal is whether the Licensing Board erred in rejecting one or more of the appellant's contentions.

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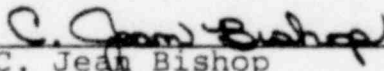
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