

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL PANEL

Alan S. Rosenthal, Chairman



SERVED JUL 29 1980

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In the Matter of \_\_\_\_\_  
MAINE YANKEE ATOMIC POWER COMPANY \_\_\_\_\_  
(Maine Yankee Atomic Power Station) \_\_\_\_\_  
\_\_\_\_\_

Docket No. 50-309  
(Spent Fuel Pool  
Compaction)

Mr. David Santee Miller, Washington, D.C.,  
for the petitioner, Sensible Maine Power.

MEMORANDUM AND ORDER

July 29, 1980  
(ALAB-602)

On July 14, 1980, the Licensing Board entered an unpublished interlocutory order in this proceeding which granted the licensee's motion to postpone the special prehearing conference until after October 1, 1980. A petitioner for intervention in the proceeding, Sensible Maine Power, seeks to appeal from that order.

The appeal must be summarily dismissed. Section 2.730(f) of the Commission's Rules of Practice, 10 CFR 2.730(f),

contains a general prohibition against interlocutory appeals from licensing board rulings made during the course of a proceeding. The

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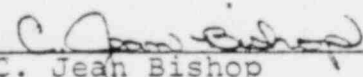
single exception to this prohibition is found in 10 CFR 2.714a. Insofar as a petitioner for intervention is concerned, that Section allows an appeal from an order concerning his petition if -- but only if -- the order denied the petition outright.

Public Service Co. of Oklahoma (Black Fox Station, Units 1 and 2), ALAB-370, 5 NRC 131 (1977), and cases there cited. <sup>1/</sup>

Appeal dismissed.

It is so ORDERED.

FOR THE APPEAL PANEL  
CHAIRMAN

  
C. Jean Bishop  
Secretary to the  
Appeal Panel

This action was taken by the Appeal Panel Chairman under the authority of 10 CFR 2.787(b).

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<sup>1/</sup> Sensible Maine Power would not be aided were its papers to be treated alternatively as a request that we exercise our authority to review the July 14 order as a matter of discretion. See 10 CFR 2.718(i) as interpreted in Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-271, 1 NRC 478, 482-83 (1975). We have made it clear that that authority normally will not be invoked to entertain scheduling controversies. See e.g., Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-541, 9 NRC 436, 437-38 (1979), and cases there cited. Our attention has been called to no extraordinary circumstances which might warrant making an exception to the general rule in this instance.