

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Richard S. Salzman, Chairman
Dr. Lawrence R. Quarles



In the Matter of)
CINCINNATI GAS & ELECTRIC COMPANY)
E^m AL.)
(William H. Zimmer Station))

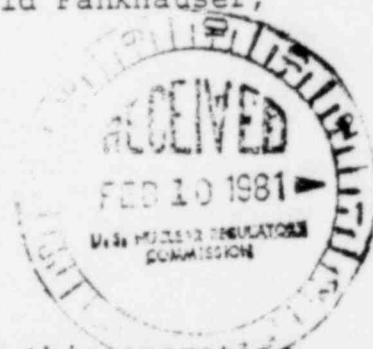
Docket No. 50-358 OL

Mr. John Woliver, Batavia, Ohio, for David Fankhauser,
intervenor.

MEMORANDUM AND ORDER

February 9, 1981

(ALAB-633)



Dr. David E. Fankhauser is an intervenor in this operating license proceeding. He seeks to appeal now from a Licensing Board ruling disposing summarily of one of his contentions. LBP-81-2, 13 NRC ___ (January 23, 1981). Because that ruling did not eliminate Dr. Fankhauser as a party in the proceeding it is an interlocutory order. Under the Rules of Practice, appeals from such orders must await the "initial decision" rendered by the Board at the end of the case. 10 CFR §§2.760 and 2.762; Boston Edison Co. (Pilgrim Station, Unit 2), ALAB-269, 1 NRC 411, 413 (1975).

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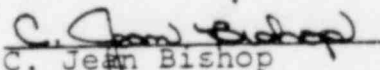
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We therefore dismiss Dr. Fankhauser's present appeal for want of jurisdiction. We do so on our own motion to spare all counsel the necessity of briefing a matter we may not now entertain. This dismissal is of course without prejudice and carries no implication about the merits of the Licensing Board's ruling.

Appeal dismissed.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board

This order is issued by the Board Chairman under 10 CFR §2.787(b)(1). Dr. Quarles took no part in the disposition of this matter.