

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'81 OCT 28 10:47

Administrative Judges:

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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



ORDER

October 27, 1981

The Citizens Against Nuclear Danger (CAND) have filed two appeals from portions of two Licensing Board orders dated September 23 and September 29, 1981, respectively. The orders, inter alia, summarily dispose of portions of CAND Contention 2 relating to magnitude of radiation doses to the public and risk of low-level radiation, and sub-parts (c) and (d) of Contention 4 on need for power. The Licensing Board's September 29 order also denies CAND's motion to defer consideration of Contentions 6 and 20.

DS02
50/1

Because the Licensing Board's orders are interlocutory in character, CAND's appeals are foreclosed by the Commission's Rules of Practice. 10 CFR §2.730(f). An order granting summary disposition of a part of an intervenor's case does not end intervenor's participation and is therefore interlocutory. Northern States Power Company (Tyrone Energy Park, Unit 1), ALAB-492, 8 NRC 251, 252 (1978), Boston Edison Company (Pilgrim Nuclear Generating Station, Unit 2), ALAB-269, 1 NRC 411, 413 (1975). Similarly, as we explained to CAND earlier in this proceeding, a ruling on scheduling such as the Licensing Board's refusal to defer consideration of Contentions 6 and 20 is also interlocutory in nature. See ALAB-563, 10 NRC 449 (1979). Accordingly, CAND's appeals must await the Licensing Board's initial decision at the end of the case. ^{*/}

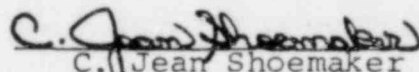
*/ CAND's appeal from the Licensing Board's September 29 order also seeks a stay of that order. CAND's papers, however, fail to address any of the mandatory requirements for a stay application set forth in 10 CFR §2.788. The stay request is thus denied. As we previously stated in Kansas Gas and Electric Company (Wolf Creek Generating Station, Unit No. 1), ALAB-412, 5 NRC 1415, 1417 (1977):

Section 2.788 is now in full effect and observance of its terms is mandatory. A stay application which is . . . in substantial nonconformity with the requirements of the section will be subject to summary denial with prejudice to its renewal in the absence of materially changed circumstances.

Appeals dismissed.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board