

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD <sup>82</sup> 881-5 A10:19

Administrative Judges:

Thomas S. Moore, Chairman  
Dr. John H. Buck  
Christine N. Kohl

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED OCT 5 1982

In the Matter of	)	
	)	
CONSUMERS POWER COMPANY	)	Docket No. 50-155 OLA
	)	(Spent Fuel Pool
(Big Rock Point Nuclear Plant)	)	Modification)
	)	

ORDER

October 4, 1982

On September 14 and 15, 1982, the Licensing Board issued its second and third partial initial decisions in this spent fuel pool license amendment proceeding. Earlier, on August 6, 1982, the Board issued its first partial initial decision. \*/

We have before us the exceptions of intervenors Christa-Maria, et al., to the Board's September 15, 1982 decision. Because it appears that the Board will be issuing additional decisions, we see no purpose in embarking upon a piecemeal review of this proceeding by entertaining appeals from such serialized decisions. Cf. Consumers Power Co.

\*/ No exceptions were filed to the Licensing Board's first decision. By an order dated August 31, 1982, we deferred our sua sponte review until the Licensing Board's final initial decision.

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(Midland Plant, Units 1 and 2), ALAB-106, 6 AEC 182, 187 (1973). Indeed, to consider separately appeals from such a plethora of partial decisions, in our view, would not be the most productive use of the Commission's or the parties' resources. Accordingly, briefing of intervenors' exceptions to the September 15 decision is deferred, and the time for filing exceptions under 10 CFR § 2.762(a) to the Licensing Board's future partial initial decisions is tolled and shall not commence until service of its last decision. The time for filing briefs in support of all exceptions will begin to run 15 days after service of the Licensing Board's last decision. See 10 CFR § 2.762(a).

In the future, the Licensing Board should, if possible, confine its issuances to a minimum number of partial initial decisions. Further, each such decision should dispose of a major segment of the case. Cf. Boston Edison Co. (Pilgrim Nuclear Power Station, Unit 2), ALAB-632, 13 NRC 91, 93 n.2 (1981). We recognize that the Rules of Practice do not preclude the issuance of partial initial decisions (see 10 CFR 2.761a), and that the sound management of some proceedings requires the issuance of more than one initial decision. The proceeding at hand, however, does not appear to be one of them.

It is so ORDERED.

FOR THE APPEAL BOARD

*Barbara A. Tompkins*  
Barbara A. Tompkins  
Secretary to the  
Appeal Board