

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gilinsky
John F. Ahearne
Thomas M. Roberts
James K. Asselstine

OFFICE OF SECRETARY
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In the Matter of

UNITED STATES DEPARTMENT OF ENERGY
PROJECT MANAGEMENT CORPORATION
TENNESSEE VALLEY AUTHORITY

(Clinch River Breeder Reactor
Plant)

Docket No. 50-537

ORDER

On June 11, 1982, the Natural Resources Defense Council, Inc. and Sierra Club ("Intervenors") petitioned the Commission to exercise its inherent supervisory authority to delineate the scope of the LWA proceeding for the Clinch River Breeder Reactor. Intervenors' request is essentially an interlocutory appeal for direct Commission review of the Atomic Safety and Licensing Board's order of April 22, 1982 ruling on which issues could be litigated in the ongoing proceeding on an application for a Limited Authorization-1 for this facility, limits on the litigation of those issues, and associated limits on discovery. An order addressing such issues is wholly interlocutory.

The Rules of Practice specifically preclude the appeal of interlocutory decisions to the Commission, 10 CFR 2.730(f), or any other request for Commission review of such a decision, 10 CFR 2.786(b)(9). The Commission has therefore decided to deny the intervenors' petition. Commissioner Gilinsky dissents from this decision.

DS02

It is so ORDERED.



For the Commission*

John C. Hoyle

JOHN C. HOYLE
Acting Secretary of the Commission

Dated at Washington, D.C.

this *17th* day of November, 1982.

* Commissioners Ahearne and Roberts were not present when this Order was approved, but had previously indicated their approval.