

C Hykret-Skagit



August 2, 1982

SECY-82-325

ADJUDICATORY ISSUE
(Information)

For: The Commission

From: Sheldon L. Trubatch
Acting Assistant General Counsel

Subject: REPORT ON ALAB-683 (MATTER OF PUGET
SOUND POWER AND LIGHT CO., ET AL.)

Facility: Skagit/Hanford Nuclear Power Project,
Units 1 and 2 50-52250

Purpose: To inform the Commission of a minor
Appeal Board decision. */

Discussion: A party to the Skagit/Hanford
construction permit proceeding appealed,
purportedly under 10 CFR 2.714a, the
rejection of one of its several
contentions. In ALAB-683, the Appeal
Panel Chairman summarily dismissed the
appeal as unauthorized under the
regulation because the denial of the
contention did not also deny party

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EX 5

Contact:
Mark E. Chopko, GC
X-43224

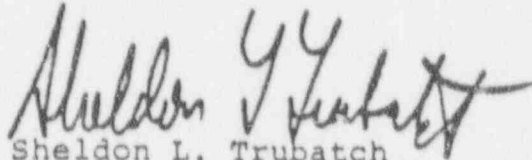
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status.

EX.5

ALAB-683 is attached
for your information.



Sheldon L. Trubatch
Acting Assistant General

Counsel

Attachment:
ALAB-683

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ATOMIC SAFETY AND LICENSING APPEAL PANEL
02 JUL 27 P3:25

Alan S. Rosenthal, Chairman

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
)
PUGET SOUND POWER AND LIGHT COMPANY,)
)
)
 ET AL.)
)
(Skagit/Hanford Nuclear Power Project,)
)
Units 1 and 2))
)

SERVED JUL 27 1982

Docket Nos. 50-522
50-523

Mr. Terence L. Thatcher, Portland, Oregon, for the
intervenor, National Wildlife Federation and
Oregon Environmental Council.

MEMORANDUM AND ORDER

July 27, 1982

(ALAB-683)


In a July 6, 1982 memorandum and order (unpublished), the Licensing Board ruled on the admissibility of, inter alia, the contentions jointly advanced by the intervenors National Wildlife Federation and Oregon Environmental Council in this construction permit proceeding. Although several were admitted to the proceeding, Contention 5 was rejected. The intervenors seek to appeal that rejection under 10 CFR 2.714a. Their appellate papers also complain of what they deem to have been the implicit rejection of one of the bases assigned for accepted Contention 3.

It would appear that intervenors' counsel has not read Section 2.714a with care. By its express terms, that Section

permits a person to take an interlocutory appeal from an order entered on his or her intervention petition only in circumstances where, unlike here, the order has the effect of denying the petition in its entirety. Accordingly, the appeal at bar must be, and hereby is, summarily dismissed. Texas Utilities Generating Co. (Comanche Peak Steam Electric Station, Units 1 and 2), ALAB-599, 12 NRC 1, 2 (1980), and cases there cited.^{1/}

It is so ORDERED.

FOR THE APPEAL PANEL
CHAIRMAN


C. Jean Shoemaker
Secretary to the
Appeal Panel

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

^{1/} If intervenors are dissatisfied with the initial decision ultimately rendered by the Licensing Board in the proceeding, they will be entitled to take an appeal from it under 10 CFR 2.762(a). On that appeal, they will be free to raise the matter of the Licensing Board's threshold treatment of Contentions 3 and 5.