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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Richard S. Salzman, Chairman  
Dr. John H. Buck  
Michael C. Farrar



In the Matter of )

PUBLIC SERVICE COMPANY OF INDIANA, )  
INC. )

Docket Nos. STN 50-546  
STN 50-547

(Marble Hill Nuclear Generating )  
Station, Units 1 and 2) )

Mr. Harry H. Voigt, Washington, D. C., for the Public  
Service Company of Indiana, Inc., et al., applicants.

MEMORANDUM AND ORDER

December 19, 1978

(ALAB-511)

For reasons we need not rehearse, the Commission directed the reopening of the records in pending licensing proceedings to take evidence on the environmental consequences of radon emissions from the mining and milling of uranium to fuel these reactors. The conclusions drawn from such evidence must be factored into the NEPA cost-benefit balance for each of them.

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The problem is manifestly a generic one. We resisted the suggestion, however, that all 16 cases involved be consolidated on the ground that the resultant proceeding would be too complex and unwieldy. Instead, as described in ALAB-480 and modified in ALAB-509,<sup>1/</sup> we are attempting to use the flexibility available to us as an arm of an administrative agency to give the radon question the consideration it deserves without trying a large number of necessarily duplicative cases.

Now before us is applicants' motion to reconsider ALAB-509. Their basic contention is that, for a number of reasons, their case merits specific attention now.<sup>2/</sup> No doubt the majority of the other applicants could come up with similar reasons why they, too, should be so singled out. The short of it is, however, that we are trying to steer between Scylla and Charybdis; to follow a course which treats all 16 proceedings fairly with reasonable expedition and minimum inconvenience. We are not surprised that our solution does not satisfy every litigant in every respect.

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<sup>1/</sup> Philadelphia Electric Company (Peach Bottom, Units 2 and 3), ALAB-480, 7 NRC 796 (May 30, 1978), and ALAB-509, 8 NRC \_\_\_\_ (December 1, 1978).

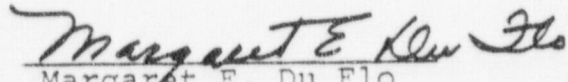
<sup>2/</sup> But see ALAB-509, fn. 8 and accompanying text (slip opinion at 7), 8 NRC at \_\_\_\_.

In our judgment, however, to hear each case separately at this stage -- the result which would in all likelihood follow upon a grant of the relief requested -- is a cure worse than the disease.

The motion to reconsider ALAB-509 is denied.

It is so ORDERED.

FOR THE APPEAL BOARD

  
Margaret E. Du Flo  
Secretary to the  
Appeal Board