

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Christine N. Kohl, Chairman
Gary J. Edles
Dr. Reginald L. Gotchy

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352 OL
50-353 OL

ORDER

June 2, 1983

On March 8, 1983, the Licensing Board issued a partial initial decision in this case concerning the supplementary cooling water system contentions. See LBP-83-11, 17 NRC _____. On the same day, by coincidence, Intervenor Del-Aware Unlimited, Inc., served on the Licensing Board a "Request for Late Filed Contention V-26". Del-Aware shortly thereafter filed with us exceptions to the March 8 partial initial decision, but, in an unpublished order issued on March 25, 1983, we deferred briefing until further order because of the pending request to admit the late contention.

On April 27, 1983, the Licensing Board, in a split decision, concluded that it lacked jurisdiction to rule on Del-Aware's request and referred the matter to us.

LBP-83-25, 17 NRC _____. We disagreed and remanded


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Del-Aware's request to the Licensing Board for disposition on the merits. See ALAB-726, 17 NRC ____ (May 2, 1983). In a memorandum and order issued on June 1, 1983, the Licensing Board denied the motion, finding that the matters it raised were not new and had already been considered in the Board's March 8 partial initial decision.

The appellate process should now resume. Exceptions to the Board's June 1 order are due to be filed by June 16, 1983. Regardless of whether additional exceptions are filed, briefs in support of all exceptions shall be filed by July 18, 1983. Responsive briefs shall be filed in accordance with 10 CFR § 2.762(b).

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board