

1/22/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

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Docket Nos. 50-352
50-353



NRC STAFF RESPONSE TO CITY OF PHILADELPHIA'S REQUEST
FOR PARTICIPATION PURSUANT TO 10 C.F.R. § 2.715(c)

On January 6, 1982, during the special prehearing conference held in Norristown, Pennsylvania, the Atomic Safety and Licensing Board stated that it had received a request for participation pursuant to § 2.715(c) as a governmental organization from the City of Philadelphia. Tr. 18. Because the parties had not yet seen the City of Philadelphia's letter, the Board set January 22, 1982, as the date by which responses should be filed. Tr. 18-19. Also, the Board directed the City to serve promptly on all parties on the service list copies of the letter requesting participation. Tr. 19.

As of January 18, 1982, Staff counsel had not received a copy of Philadelphia's letter. However, Ms. Lucinda Minton, legal assistant to the Licensing Board Panel, read the letter over the telephone and forwarded a copy, which Staff received on January 20, 1982.

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If Philadelphia's request for participation were under § 2.714, a showing on the five factors listed in 2.714(a)(1) would be required, as the time for requesting a hearing on the facility operating licenses had expired at the time Philadelphia filed its letter on December 23, 1981. See 46 Fed. Reg. 42557 (August 21, 1981). However, a late request under § 2.715(c) has been allowed without consideration of the five factors, with the caveat that the interested governmental agency "tak[e] the proceeding as [it] finds it." Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-600, 12 NRC 3, 8 (1980). Since this proceeding is at an early stage in the hearing process, the NRC Staff does not believe that the application of this caveat would work any harm on the City.

Accordingly, the Staff does not oppose the Board's granting the City of Philadelphia's request to participate in the captioned proceeding pursuant to § 2.715(c).

Respectfully submitted,

Ann P. Hodgdon

Ann P. Hodgdon
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 22nd day of January, 1982

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO CITY OF PHILADELPHIA'S REQUEST FOR PARTICIPATION PURSUANT TO 10 C.F.R. § 2.715(c)" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or as indicated by an asterisk by deposit in the Nuclear Regulatory Commission internal mail system, this 22nd day of January, 1982:

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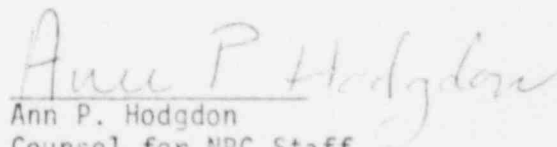
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