

UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 ATOMIC SAFETY AND LICENSING BOARD PANEL
 WASHINGTON, D.C. 20555

50-352/353

April 26, 1983

'83 APR 26 P3:59

Honorable Patrick C. O'Donnell
 County of Chester
 Office of the Commissioners
 Courthouse, High & Market Streets
 West Chester, Pennsylvania 19380

Dear Commissioner O'Donnell:

RE: In the Matter of Philadelphia Electric Company
 (Limerick Generating Station, Units 1 and 2)
 (Docket Nos. 50-352 and 50-353)

SERVED APR 27 1983

I am in receipt of your letter dated April 19, 1983, requesting my advice as to the effect of a decision of a local government near a reactor site not to approve an emergency plan. As you note, the Limerick Generating Station is being built adjacent to the border of your county.

As an Administrative Judge in the Limerick proceeding before the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission, it would be improper for me to comment outside of the record on a matter which may come before me in that adjudication. Accordingly, I regret that I cannot respond to the substance of your inquiry.

It happens that I am also Chairman of the Licensing Board presiding over the Shoreham proceeding which you mention in your letter. On April 20, 1983, the Shoreham Licensing Board issued two orders relating to the decision of Suffolk County, New York not to prepare or implement a local emergency plan. I am enclosing copies of those orders for your information. As set forth in the enclosed orders, the rulings in Shoreham have been referred to the Appeal Board and are now pending before that tribunal.

If you wish to discuss the question raised in your letter, or keep abreast of further developments regarding the rulings in the Shoreham case, I suggest you contact one or more of the parties in the Limerick proceeding. Two of the governmental parties which I am sure would be willing to assist you are the Nuclear Regulatory Commission Staff and the Commonwealth of Pennsylvania (including the Pennsylvania Emergency Management Agency). Their counsel of record are:

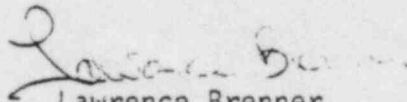
Ann P. Hodgdon, Esquire
 Office of the Executive Legal Director
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555
 Telephone No.: 301-492-8655

April 26, 1983

Thomas Y. Au, Esquire
Office of Chief Counsel
Department of Environmental Resources
505 Executive House
P.O. Box 2357
Harrisburg, Pennsylvania 17120
Telephone No.: 717-787-7060

For the information of the parties in the Limerick proceeding, a copy of your letter along with this response is being served on them.

Sincerely,


Lawrence Brenner
ADMINISTRATIVE JUDGE

Enclosures: "Memorandum and Order Referring Denial of Suffolk County's Motion to Terminate to the Appeal Board and Certifying Low-Power License Question to the Commission (Through the Appeal Board)", dated April 20, 1983.

"Memorandum and Order Denying Suffolk County's Motion to Terminate the Shoreham Operating License Proceeding", dated April 20, 1983.

cc w/o enclosures: Docketing & Service
(For servicing with incoming letter.)