UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION '84 001 30 A11:04 ATOMIC SAFETY AND LICENSING APPEAL BOARD Administrative Judges: Christine N. Kohl, Chairman October 29, 1984 Gary J. Edles Dr. Reginald L. Gotchy In the Matter of Docket Nos. 50-352 0 C PHILADELPHIA ELECTRIC COMPANY 50-353 0 6 (Limerick Generating Station, Units 1 and 2) ORDER Earlier today we issued an order noting that intervenor FOE has moved for a stay of the Licensing Board's second partial initial decision in this proceeding (LBP-84-31), which authorized the issuance of a low-power license to applicant Philadelphia Electric Company. We indicated that replies to this motion would be due in accordance with 10 C.F.R. § 2.788. We just received a similar stay request dated October 25, 1984, from intervenor Del-Aware Unlimited, Inc. That request, however, is directed at the Licensing Board's October 15, 1984, order, which essentially reaffirms its low-power authorizacion in LBP-84-31. We were also notified at 11:00 a.m. today that the NRC staff already issued a low-power license to applicant last Friday, October 26, 1984. 8410310115 84102 PDR ADDCK 050003

In this circumstance, we will treat both FOE's and Del-Aware's stay requests as motions to suspend the underlying authorization for the low-power license¹ and abbreviate the time for filing replies to both. Applicant and the NRC staff are to have their respective replies to these stay requests in our hands by close of business Friday, November 2, 1984.²

Del-Aware has also noted its appeal from the Licensing Board's October 15 order. In view of the limited nature of the issue raised by that appeal, we are shortening the time for briefing. See 10 C.F.R. § 2.711. Del-Aware's brief should be in our hands and those of the applicant and NRC staff by November 14, 1984. Responsive briefs for both applicant and the staff should likewise be in our hands by November 29, 1984.

The stay criteria set forth in 10 C.F.R. § 2.788(e), however, still pertain.

² Applicant and the staff each should respond to the two motions in one document.

³ The parties were notified of the contents of this order by telephone today.

It is so ORDERED.

FOR THE APPEAL BOARD

Barbara A. Tompkins
Secretary to the
Appeal Board