

274

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 NOV 23 A9:20

ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Administrative Judges:

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

November 21, 1984

SERVED NOV 23 1984

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

Docket Nos. 50-352 *OL*  
50-353 *OK*

ORDER

By letter dated November 15, 1984, and addressed "Dear  
Sirs," intervenor Del-Aware Unlimited, Inc., has advised us  
of its intent not to file a brief in support of its appeal  
from the Licensing Board's October 15, 1984, memorandum and  
order in this proceeding.<sup>1</sup> In that order, the Board  
reaffirmed its August 29, 1984, partial initial decision  
authorizing the issuance of a low-power license to  
applicant. See LBP-84-31, 20 NRC \_\_\_. The Board concluded  
that two issues relating to the plant's proposed  
supplementary cooling water system, remanded in ALAB-785, 20

<sup>1</sup> Pursuant to our order of October 29, 1984,  
Del-Aware's brief was to be in our hands no later than  
November 14.


DS02

NRC \_\_\_ (Sept. 26, 1984), have no relationship to fuel-loading and low-power testing.

Del-Aware's appeal from the Licensing Board's October 15 order is therefore dismissed.<sup>2</sup>

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board

---

<sup>2</sup> Del-Aware's letter suggests that we have an "independent obligation" to review the October 15 order on our own. We routinely undertake sua sponte review of final dispositions in licensing proceedings when such dispositions are "founded upon substantive determinations of significant safety or environmental issues." Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-571, 10 NRC 687, 692 (1979). The Board's unpublished October 15 order is not such an order warranting our discretionary sua sponte review.