

295

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 NOV 23 09:20

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

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

November 21, 1984

SERVED NOV 20 1984

In the Matter of)	
)	
PHILADELPHIA ELECTRIC COMPANY)	Docket Nos. 50-352 OL
)	50-353 OL
(Limerick Generating Station,)	
Units 1 and 2))	

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.¹ 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

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

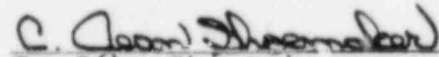
DS02

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.²

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

² 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 The Board's unpublished October 15 order is not such an order warranting our discretionary sua sponte review.