

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

451-

Before Administrative Judges

Lawrence Brenner, Chairman
Dr. Richard F. Cole
Dr. Peter A. Morris

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

MOTION TO QUASH OR MODIFY APPLICATION TO TAKE DEPOSITION OF GERALD
M. HANSLER, EXECUTIVE DIRECTOR, DELAWARE RIVER BASIN COMMISSION

The undersigned, General Counsel of the Delaware River Basin Commission (DRBC), hereby moves this body to quash or modify the application filed by Sugarman and Denworth, Esqs., counsel for Del-Aware Unlimited, Inc., to take the deposition of Gerald M. Hansler, Executive Director of the DRBC, for the following reasons:

1. The undersigned was first contacted on Monday, August 9, 1982, by counsel for the Nuclear Regulatory Commission (NRC) that an application was being made to take Mr. Hansler's deposition. DRBC was further advised that this Board Panel might rule on this application on short notice since depositions were being requested for the week of August 16, 1982. As of this date, the undersigned has not received a copy of the application to take Mr. Hansler's deposition nor the reasons supporting such an application. This response is being

prepared without the benefit of such moving papers because of the possibility that a decision may have to be rendered on short notice. Based upon a conversation with Mr. Sugarman, it is DRBC's understanding that Del-Aware has requested to take the deposition of Gerald M. Hansler in Philadelphia on August 17, 1982.

2. The actions taken by the DRBC in connection with the application of the Philadelphia Electric Company are a matter of public record and this record speaks for itself. No individual commissioner or member of the staff of DRBC can speak for the Commission beyond what is set forth in the documents and records of DRBC. All of the records of DRBC are available for inspection by an interested party and Del-Aware has fully availed itself of the opportunity to inspect these documents.

3. DRBC has been advised by counsel for the NRC that all parties in this matter were to file on or before July 21, 1982, the names of all individuals from whom depositions would be taken. DRBC has been further advised that the applicant did file a list of individuals on or before said date but did not include within that list a request to take the deposition of Mr. Hansler or any other member of DRBC. This application, therefore, is not in accordance with the discovery orders heretofore issued in this matter.

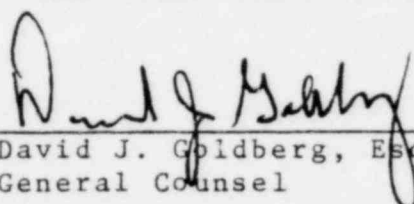
4. If this Board Panel determines that the application should be granted, DRBC requests that Mr. Hansler's deposition be scheduled for its offices in West Trenton, New Jersey, and that the time of the deposition be not earlier than August 30, 1982.

Mr. Hansler was not previously notified of the intention of any party to take his deposition. He will be out of this area

until August 30, 1982. He will, therefore, not be available for the taking of his deposition before August 30, 1982.

WHEREFORE, DRBC respectfully requests that the application to take the deposition of Gerald M. Hansler be denied or in the alternative that it be rescheduled for West Trenton, New Jersey, for August 30, 1982, or a mutually convenient date thereafter.

DELAWARE RIVER BASIN COMMISSION

By 
David J. Goldberg, Esq.
General Counsel

DATED: August 10, 1982.