

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
JAN 13 1984

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD<sup>84</sup> JAN 13 10:10

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

MOTION TO RECONSIDER OR TO CERTIFY

Del-AWARE Unlimited hereby submits the following  
as grounds why the Board should reconsider or certify its  
Order of January 3, 1984:

1. The Opinion of the General Counsel dated November  
18, 1983 to the Appeal Board did not represent an opinion  
that Ms. Lavery is permitted to participate before the  
Licensing Board. On the contrary, a careful distinction was  
made by the Appeal Board between the matters pending in the  
Appeal Board, and those which are not pending in the Appeal  
Board, and it was determined that since Ms. Lavery did not  
intend to participate in the Appeal Board, the Appeal Board  
had no concern. This did not represent a determination that  
Ms. Lavery could participate in the matters affecting  
supplemental cooling water before the Licensing Board.

2. Del-AWARE Unlimited thought that this Board would  
have itself read the Appeal Board's letter and understand  
its limitations, and did not feel it necessary to call to  
this Board's attention the fact that the Appeal Board did  
not make any decision regarding the propriety of Ms. Laver-  
ty's representation in the Licensing Board.

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3. From the documentation, it is clear that Ms. Lavery has consistently defined the "proceeding" as narrowly as possible to justify her continuing participation, by not disclosing any events which are not specifically inquired about upon being learned of through other sources.

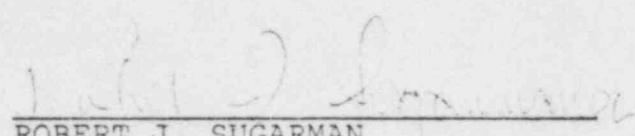
4. Del-AWARE had previously made the point to the Appeal Board that it should make further inquiry as to Ms. Lavery participation in other aspects of this matter. On the contrary no such Board inquiry was made, and Del-AWARE's request that such an inquiry be made was ignored. Again, Del-AWARE did not believe it necessary to call to the attention of this Board the limitation of the inquiry, and the refusal or failure of the Appeal Board or the general counsel to ask Ms. Lavery the basic question: What was her participation in any aspect of Limerick at any time?

5. In view of the imminence of the matter, Del-AWARE brought the matter to the attention of the Board without a detailed formal presentation because Del-AWARE desired to bring the matter to the Board's attention as quickly as possible, consistent with other obligations, and because the Board, as an administrative body, has the responsibility to look into these matters on its own, as the Appeal Board did.

6. In view of the foregoing, Del-AWARE respectfully requests that the Board reconsider its Order of January 3, 1984, and prior to disposing of the Motion, direct the Ms. Lavery, Commissioner Roberts, and the Office of General Counsel, each independently, disclose to the public and the

Board the full extent of Ms. Laverty's participation in any matter relating to Limerick, whether within or without the scope of what she or Messrs. Conner and Wetterhahn might consider to be "the proceeding" which might narrow the issue in any given case, or certify the matter to the Appeal Board.

Respectfully submitted,

  
ROBERT J. SUGARMAN  
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Dated: January 11, 1984  
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NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY LICENSING BOARD

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In the matter of )  
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PHILADELPHIA ELECTRIC COMPANY ) Docket Nos. 50-352, 51-  
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(Limerick Generating Station, )  
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing MOTION FOR RECONSIDERATION OR CERTIFICATION by mailing a copy of the same to the following persons this 11th day of January, 1984.

Judge Lawrence Brenner  
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U.S. Nuclear Regulatory  
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Washington, D.C. 20555

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Judge Richard F. Cole  
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