

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

Thomas S. Moore, Chairman  
Dr. Jerry R. Kline  
Frederick J. Shon



_____	)	
In the Matter of	)	Docket Nos. 50-295/304-LA
	)	
COMMONWEALTH EDISON COMPANY	)	ASLBP No. 98-744-04-LA
	)	
(Zion Nuclear Power Station, Units 1 and 2)	)	August 10, 1998
_____	)	

**MOTION FOR ADJUSTMENT OF FILING SCHEDULE**

Pursuant to 10 CFR § 2.730, Commonwealth Edison Company (ComEd), licensee in the above captioned matter hereby files this Motion requesting that responses to the nineteen contentions filed by Mr. Edwin D. Dienethal (Petitioner) currently due to be filed on August 25, 1998, be postponed until the Atomic Safety and Licensing Board in this proceeding (the Board) determines whether Petitioner has standing to intervene in this proceeding. Counsel for the NRC has no objection to this Motion, provided it is granted similar relief. Counsel for Petitioner does not support this Motion.

On July 1, 1998 and July 8, 1998 respectively, both ComEd and the NRC Staff responded to Petitioner's initial Petition to Intervene in this proceeding, noting that no clear basis for standing had been established. On July 19, 1998, the Board ordered

Petitioner to file an Amended Petition to Intervene, as well as any proposed contentions. Petitioner filed the Amended Petition on July 31, 1998. However, ComEd believes, and will show in its reply to Petitioner's Amended Petition (due date August 18, 1998) that, like the initial Petition, the Amended Petition does not establish Petitioner's standing to intervene in this proceeding. Accordingly, ComEd believes that it is premature and inefficient to require a response to the proposed contentions prior to a determination on standing.

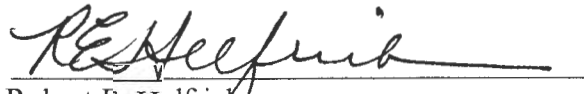
Petitioner has submitted nineteen proffered contentions with his Amended Petition. These contentions are supported by attachments in excess of 100 pages and incorporate by reference the entire record of two U.S. Department of Labor proceedings. Responding to these contentions will impose on ComEd (and NRC Staff) substantial expense and require application of resources. The parties will necessarily have to address each contention, explaining why it should not be admitted. Imposing this burden on the parties when Petitioner's standing is in serious doubt is contrary to the Commission's strong interest in a fair and efficient adjudicatory process most recently expressed in the August 5, 1998 Policy Statement on the Conduct of Adjudicatory Proceedings. Pursuant to 10 CFR § 2.718 (e), the Board has the authority to regulate the course of the proceeding. As such, in order to maintain a fair and efficient adjudicatory process, the Board should issue an order postponing ComEd's (and the NRC Staff's) response to Petitioner's preferred contentions until after it rules on the issue of standing. In the event that standing is found,

ComEd requests ten business days following that decision within which to respond to the proposed contentions.

CONCLUSION

For the reasons set forth above, the Board should grant an Order postponing ComEd's (and the NRC Staff's) response to Petitioner's proffered contentions until this Board rules on whether Petitioner has standing to intervene in this proceeding.

Respectfully submitted,



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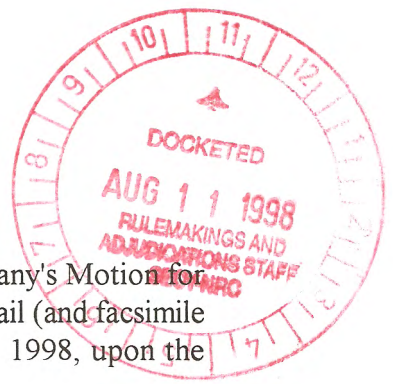
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ATTORNEYS FOR  
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Dated in Chicago, IL  
This 10th day of August, 1998

CERTIFICATE OF SERVICE



I hereby certify that a copy of the foregoing Commonwealth Edison Company's Motion for Adjustment of Filing Schedule, was served via postage prepaid first-class mail (and facsimile to those persons indicated by an asterisk [\*]) on this 10th day of August, 1998, upon the following persons:

Thomas S. Moore, Chairman \*  
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Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
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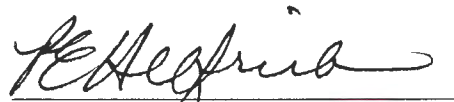
Office of the Secretary (original & 2 copies)\*  
ATTN: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
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Adjudicatory File (2 copies)  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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