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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of

COMMONWEALTH EDISON COMPANY

(Byron Nuclear Power Station,
Units 1 and 2)

Docket Nos. 50-454
50-455

RESPONSE OF COMMONWEALTH EDISON COMPANY
TO DAARE AND SAFE MOTION TO POSTPONE
PREHEARING CONFERENCE

Commonwealth Edison Company ("Applicant") moves the Board to strike the Motion, dated July 2, 1979, of DeKalb Area Alliance For Responsible Energy ("DAARE") and Sinnissippi Alliance For The Environment ("SAFE") to postpone the scheduled special conference on the grounds that the Motion fails to meet the requirements of 10 CFR §§2.701 and 2.712. In support of this Motion, Applicant states:

On July 16, 1979, counsel for Applicant received a copy of "NRC Staff Response To DeKalb Area Alliance For Responsible Energy (DAARE) And Sinnissippi Alliance For The Environment (SAFE) Motion To Postpone Prehearing Conference Due To Three Mile Island (TMI) Accident," dated July 12, 1979, and was thereby notified for the first time that DAARE and SAFE had apparently filed a Motion, dated July 2, 1979, requesting a further postponement of the prehearing conference which was at that time scheduled for July 25, 1979. The Motion of DAARE and SAFE has not been served on Applicant or Applicant's counsel

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as required by §§2.701 and 2.712; and, consequently, Applicant does not know the contents of said Motion. We have also been informed that other letters and/or pleadings addressed to the Board may have been filed by DAARE and SAFE, again without service on Applicant.

The failure by DAARE and SAFE to serve motions on Applicant cannot be excused by lack of knowledge of the Commission's Rules of Practice. Early this spring, representatives of DAARE and SAFE, including their present spokesperson, Dr. Bruce von Zellen, met with representatives of the NRC Staff and Applicant. At that time, the NRC's requirements relating to service of process were explained in detail, and DAARE and SAFE were specifically requested to serve the undersigned on behalf of Applicant.

WHEREFORE, the Motion of DAARE and SAFE should be stricken, and the Board should decline to rule on any request made by any party by way of motion, letter or otherwise which has not been served on all parties of record.

DATED: July 19, 1979

Respectfully submitted,



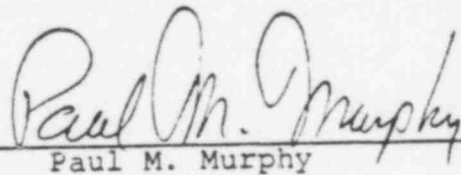
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One of the Attorneys
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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Commonwealth Edison Company, certifies that on this date he filed 20 copies (plus the original) of the attached pleading with the Secretary of the Nuclear Regulatory Commission and served a copy of same on each of the persons at the addresses shown on the attached service list by United States mail, postage prepaid.

DATE: July 19, 1979


Paul M. Murphy

COMMONWEALTH EDISON COMPANY - Byron Station
Docket Nos. 50-454 and 50-455

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