

Dated: November 11, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD NOV 15 P1:08

In the Matter of)

COMMONWEALTH EDISON COMPANY)

(Byron Nuclear Power Station)
Units 1 and 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket Nos. 50-454-OL
50-455-OL

COMMONWEALTH EDISON COMPANY'S
APPLICATION FOR SUBPOENAS

Pursuant to 10 CFR §2.720, Commonwealth Edison Company (Edison) hereby requests that the Licensing Board issue subpoenas duces tecum directing the following persons to appear and give their depositions before a certified court reporter at the offices of Isham, Lincoln & Beale, Three First National Plaza, Chicago, Illinois 60602, beginning at 9:30 A.M. local time, November 29, 1982, and thereafter until said depositions have been completed, and to bring with them the documents described in Attachment A hereto:

Messrs. Gregory C. Minor, Richard B. Hubbard and Dale G. Bridenbaugh, all of MHB Technical Associates, Inc., Professor Bernie J. Wood of Northwestern University, and Mrs. Betty Johnson of the Rockford League of Women Voters (League).

The purpose of the depositions is to inquire of each deponent as to his or her knowledge regarding the

design, construction and future operation of the Byron Nuclear Power Station and into such other matters which are directly relevant to issues now before the Licensing Board in this proceeding.

As grounds for its application, Edison states the following:

1. In its Answers to Edison's First Round of Interrogatories, dated July 6, 1982, the League identifies Messrs. Minor, Hubbard and/or Bridenbaugh as possible witnesses with respect to matters raised by the League contentions. In addition, in its Answers to the NRC Staff's Amended First Set of Interrogatories, dated October 15, 1982, the League identifies Messrs. Minor, Hubbard and Bridenbaugh as having contributed to the preparation of the Answers.

2. The League indicates in its Answers to NRC Staff's Amended First Set of Interrogatories that material for answers to interrogatories related to League Contentions 39 and 109 is being prepared by Professor Bernie Wood, Locy Hall, 1847 Sheridan Road, Evanston, Illinois 60201.

3. In its Answers to Commonwealth Edison Company's Amended Second Round of Interrogatories, the League identifies Mrs. Betty Johnson as one of the individuals who participated in the preparation of the Answers. In addition, in its Answers to the NRC Staff's Amended First Set of Interrogatories, the League states that Mrs. Betty Johnson substantially contributed to the preparation of the Answers. Finally, Mrs. Johnson verified the truthfulness of both the League's Answers to the NRC Staff's Amended First Set of

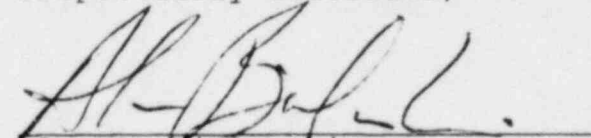
Interrogatories, and the League's Answers to Edison's Amended Second Round of Interrogatories.

4. This Board is authorized to issue a subpoena duces tecum in aid of discovery directed to third parties. Pacific Gas & Electric Co. (Stanislaus Nuclear Project, Unit 1), ALAB-550, 9 NRC 683 (1979).

WHEREFORE, Commonwealth Edison Company respectfully requests that this Board issue subpoenas duces tecum to Mr. Gregory C. Minor, to appear at 9:30 A.M. on November 29, 1982, to Mr. Richard B. Hubbard, to appear at 9:30 A.M. on November 30, 1982, to Mr. Dale G. Bridenbaugh, to appear at 9:30 A.M. on December 1, 1982, to Professor Bernie Wood, to appear at 9:30 A.M. on December 2, 1982, and to Mrs. Betty Johnson, to appear at 9:30 A.M. on December 3, 1982, at the offices of Isham, Lincoln & Beale, Three First National Plaza, Chicago, Illinois 60602, for the purpose of taking their depositions upon oral examination before a court reporter, certified in the State of Illinois, and to provide by November 22, 1982, for inspection and/or copying by Edison the documents described in Attachment A hereto.

Dated: November 11, 1982

Respectfully submitted,



Alan P. Bielawski

One of the Attorneys for
Commonwealth Edison Company

Michael I. Miller
Alan P. Bielawski
ISHAM, LINCOLN & BEALE
Three First National Plaza
Chicago, Illinois 60602
(312) 558-7500

ATTACHMENT A TO SUBPOENA DUCES TECUM

You are hereby directed to make available, segregated by category, on November 29, 1982, in the offices of Isham, Lincoln & Beale for inspection and/or copying by same, counsel of record for Applicant, Commonwealth Edison Company, the following documents:

Category 1

All documents provided to you by the Rockford League of Women Voters ("League") in connection with any review or analysis performed by you or any member of your firm of Commonwealth Edison Company's Byron Nuclear Power Station ("Byron Station").

Category 2

All documents consulted or reviewed by you or any member of your firm in connection with any review or analysis performed by you or any member of your firm of the Byron Station and which you believe to contain information directly relevant to the safety of the design, construction or operation of the Byron Station.

Category 3

All documents written, dictated, authored, co-authored, or to which you contributed information or ideas of any kind which directly relate or

refer to the Byron Station, or which discuss, analyze or refer to safety-related considerations which you believe are applicable to the Byron station.

Category 4

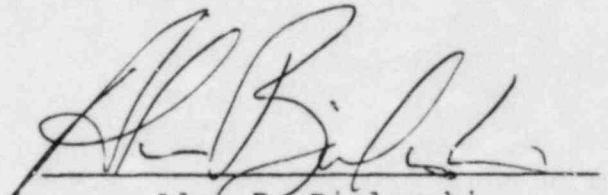
All documents provided by you or any member of your firm to the League in connection with any consultation you have engaged in with the League which in any way relate to the Byron Station.

For purposes of this subpoena, the term document shall include any information recorded in any permanent or semi-permanent form. This subpoena requires you to produce the original, or a copy if the original is not in your possession or under your control; together with any and all non-identical copies. A non-identical copy is any copy which differs from the original by way of addition or deletion, including without limit handwritten or other notations added to the document before or after copying.

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Commonwealth Edison Company, certifies that on this date he filed two copies (plus the original) of the attached pleading with the Secretary of the Nuclear Regulatory Commission and served a copy of the same on each of the persons at the addresses shown on the attached service list in the manner indicated.

Date: November 11, 1982



Alan P. Bielawski

SERVICE LIST

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

- ** Mr. Ivan W. Smith
Administrative Judge and Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- ** Dr. Richard F. Cole
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *** Myron M. Cherry, Esq.
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- * Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Chief Hearing Counsel
Office of the Executive
Legal Director
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Washington, D.C. 20555
- * Dr. A Dixon Callihan
Union Carbide Corporation
P.O. Box Y
Oak Ridge, Tennessee 37830
- ** Mr. Steven C. Goldberg
Ms. Mitzi A. Young
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- * Secretary
Attn: Chief, Docketing and
Service Section
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Washington, D.C. 20555
- * Ms. Betty Johnson
1907 Stratford Lane
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- ** Ms. Diane Chavez
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- * Dr. Bruce von Zellen
Department of Biological Sciences
Northern Illinois University
DeKalb, Illinois 60115
- * Joseph Gallo, Esq.
Isham, Lincoln & Beale
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Washington, D.C. 20036
- * Douglass W. Cassel, Jr.
Jane Whicher
BPI
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Chicago, IL 60602

* Via U.S. Mail

** Via Express Mail

*** Via Messenger