

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

COMMONWEALTH EDISON COMPANY

(Byron Nuclear Power Station,
Units 1 and 2)

Docket Nos. 50-454
50-455

**MOTION OF ROCKFORD LEAGUE OF WOMEN VOTERS
THAT PRESIDING OFFICER FIND THAT
ANSWERS TO THE LEAGUE'S FIRST ROUND OF
INTERROGATORIES TO THE STAFF ARE NECESSARY, ETC.**

The Rockford League of Women Voters ("League") moves the Presiding Officer pursuant to 10 C.F.R., Sections 2.718(f) and 2.720(h)(2)(ii), for the entry of an Order requiring the Nuclear Regulatory Commission ("NRC") personnel with knowledge of the facts to answer the Interrogatories directed to the NRC Staff by the League under date of October 22, 1982, upon the grounds that the information is necessary to a proper decision in this proceeding and the information is not directly obtainable from any other sources since the information sought is factual and opinion information in possession of the NRC Staff.

Pursuant to the understanding reached during the October 14, 1982 prehearing conference, and to avoid unnecessarily burdening this Board with matters which could be resolved by agreement, on October 22, 1982 the League filed Interrogatories directed to the NRC Staff on an informal basis. The Staff has now indicated, in two letters to counsel for the League, that the Staff will refuse to respond to certain of the Interrogatories which have been submitted to it (see Exhibits "A" and "B" attached hereto).

The information which the League seeks to elicit from the Staff through the Interrogatories is necessary to guarantee a full, fair, impartial and open hearing so that this Board may arrive at a sound decision concerning the public health and safety and environmental issues raised by the potential operation of the Byron units.


Furthermore, the information sought is necessary for the League to adequately present the bases for its contentions which have been admitted in these proceedings. The information sought primarily concerns the level of compliance of CECO with NRC regulations which the Staff anticipates and is requiring, as well as the nature of and basis for the Staff's position concerning CECO's compliance. Obviously that information — including the Staff's position with respect to the League's contentions — will play a substantial role in the hearings in this case. There is no reason in fairness or in the interests of orderly procedure, to keep the information secret until the hearings begin. Further, the desired information will aid in the process of hearing preparation by indicating to the League the Staff's view of the effectiveness of CECO's procedures for complying with all applicable rules and regulations. That can only aid in serving the public interest.

WHEREFORE, the League respectfully requests the the entry of an Order as first set out above.

Myron M. Cherry, p.c.
Peter Flynn, p.c.
Bruce Rose
CHERRY & FLYNN
Three First National Plaza
Suite 3700
Chicago, Illinois 60602
(312) 372-2100

Respectfully submitted,

Rockford League of Women Voters

By: 
One of Its Attorneys



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 2, 1982

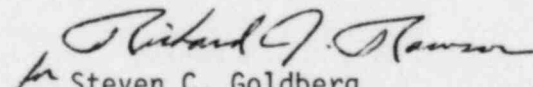
Bruce Rose, Esq.
Cherry and Flynn
Suite 3700
Three First National Plaza
Chicago, IL 60602

In the Matter of
COMMONWEALTH EDISON COMPANY
(Byron Station, Units 1 and 2)
Docket Nos. 50-454 and 50-455

Dear Mr. Rose:

Pursuant to my October 28, 1982 letter and our telephone conversations on the subject, the Staff has agreed to voluntarily respond to most of the proposed League interrogatories of October 22, 1982, unless otherwise objectionable, without invoking the objections provided under 10 C.F.R. § 2.720(h)(2)(ii). The Staff intends to supply its voluntary interrogatory answers by November 22, 1982, thirty days from the interrogatory service date, in accordance with the procedural schedule established in the Licensing Board's August 30, 1982 Memorandum and Order and the parties' August 18, 1982 scheduling stipulation. The Staff will not voluntarily respond to interrogatories 1(a) (DD-81-5 documents), (b), 4(c); 5(e); 7(e), (g); 8(d); 9(a); 10(a); 11(b); 13(a), (b), (c), (d); and 17.

Sincerely,


for Steven C. Goldberg
Counsel for NRC Staff

cc: Service List

EXHIBIT A



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 5, 1982

Bruce Rose, Esq.
Cherry and Flynn
Suite 3700
Three First National Plaza
Chicago, IL 60602

In the Matter of
COMMONWEALTH EDISON COMPANY
(Byron Station, Units 1 and 2)
Docket Nos. 50-454 and 50-455

Dear Mr. Rose:

This is to confirm our telephone conversation yesterday in which I informed you that interrogatory 14(a) had been inadvertently omitted from the list contained in the Staff's November 2, 1982 letter of interrogatories to which the Staff will not voluntarily respond.

Sincerely,

A handwritten signature in cursive script, reading "Richard J. Rawson".

Richard J. Rawson
Counsel for NRC Staff

cc: Service List

EXHIBIT B

CERTIFICATE OF SERVICE

I certify that a copy of (i) the Motion of Rockford League of Women Voters for Ten-Day Extension of Discovery Initiation Period Beyond Date of Completion of All Currently Outstanding Discovery Operations or Alternatively, a Ten-Day Extension Beyond Date of Ruling of Board on Any Disputes Regarding Currently Outstanding Discovery Operations and (ii) a copy of the Motion of Rockford League of Women Voters that Presiding Officer Find That Answers to The League's First Round of Interrogatories to The Staff Are Necessary, Etc. were served by messenger upon counsel for Commonwealth Edison Company on November 15, 1982, and on all other parties on the Service List by first class mail, postage prepaid and properly addressed, on November 12, 1982.

