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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of)
)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-454 OL
) 50-455 OL
)
(Byron Nuclear Power Station,)
Units 1 & 2))

MOTION OF APPLICANT, COMMONWEALTH EDISON COMPANY,
TO STRIKE CERTAIN CONTENTIONS OF THE
ROCKFORD LEAGUE OF WOMEN VOTERS AND FOR OTHER RELIEF

Applicant, Commonwealth Edison Company ("Edison")
moves this Board for the entry of an order striking certain
contentions of the Rockford League of Women Voters (the
"League") and for certain other relief as follows:

- A. The League has failed to answer Edison's
first set of interrogatories with respect
to admitted contentions 14, 16, 17, 20-27,
29, 30, 31, 33, 35-38, 40, 43-46, 48-52,
55-60, 66-70, 72-76, 78, 80, 81, 83-90,
95, 97-100, 102-105, 107, 110, 113, 120,
122-124, 129, 134-137, 141-144 and 146.
Accordingly, pursuant to ALAB-678, these
contentions should be dismissed.

B. The response to Edison's first set of interrogatories with respect to contention 114 is inadequate. The contention deals with the environmental effects of chemical decontamination; the answers to interrogatories relate so-called "need for power" issues and are the subject of a § 2.758 petition to the Commission. Likewise, contention 132, identified in the League's answers to interrogatories as a contention which relates to need for power, does not in fact pertain to this issue. Rather, it attempts to raise matters pertaining to the availability of fuel for the facility. As such, the League's answers, which purport to relate to Contentions 114 and 132, to Edison's interrogatories are not responsive. Accordingly, these contentions should be stricken.

C. The League's answers to Edison's interrogatories pertaining to Contentions 34 and 39 are also unresponsive. Rather than providing a "concise statement of the facts supporting the Contentions," the answers contain unsupported arguments, and would require that Edison sift through documents to attempt to ascertain the information sought in the

interrogatories. These types of answers clearly violate the Appeal Board's explicit instructions to the League regarding the manner in which Edison's interrogatories were to be answered. (See ALAB 678, p. 43-44 fn. 39.) Accordingly, contentions 34 and 39 should be stricken.

- D. The League's answers to Edison's interrogatories pertaining to Contention 109 attempt to incorporate by reference the League's answer with respect to Contention 29 even though the League did not in fact provide an answer with respect to that Contention. In addition, the League incorporates by reference its answers to interrogatories related to Contentions 8 and 62, which pertain to radiological impacts under accident conditions. However, the contention seeks to raise hydrological matters related to both accident and nonaccident conditions, and includes certain nonradiological impacts. In light of the League's Answer, the Contention should be limited to matters relating hydrological impacts associated only with accident conditions, and subparts (f), (g) and (h) of the Contention should be stricken.

- E. The budget review process described in the letter from Michael I. Miller to the Licensing Board dated March 26, 1982 has been completed. Edison's present estimate is that Byron Unit 1 will be ready to load fuel by August 31, 1983. This information is provided to the Board and the parties so that the process of determining the number of League contentions which can be "comfortably" decided "without unjustifiably delaying operation of the Byron facility" can begin (ALAB 678 at p. 41).
- F. In view of the date for fuel load set forth in paragraph D above, the League should establish the priority of its remaining contentions in numerical order by July 22, 1982. The League should be ordered to assign the lowest priority to those contentions or groups of contentions which substantially overlap the admitted contentions of DAARE/SAFE.

Dated: July 15, 1982

Respectfully submitted,



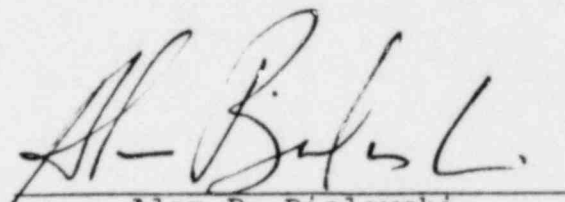
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CERTIFICATE OF SERVICE

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: July 15, 1982


Alan P. Bielawski

SERVICE LIST

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Docket Nos. 50-454 and 50-455

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