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October 10, 1983

Ivan W. Smith, Esquire
Administrative Judge and
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. A. Dixon Callihan
Administrative Judge
Atomic Safety and Licensing Board
c/o Union Carbide Corporation
P.O. Box Y
Oak Ridge, Tennessee 37830

Re: In the Matter of Commonwealth Edison Company
(Byron Nuclear Power Station, Units 1 and 2)
Docket Nos. 50-454 and 50-455

Gentlemen:

In response to your Memorandum Regarding Official Notice dated September 20, 1983, Commonwealth Edison Company has no objection to the Licensing Board taking official notice of the EPA report entitled "Protective Action Evaluation Part II, Evacuation and Sheltering as Protective Actions Against Nuclear Accidents Involving Gaseous Releases." This report was referenced in the testimony of Mr. David D. Ed of the Illinois Department of Nuclear Safety.

The Licensing Board's Memorandum indicated that support for the portion of Mr. Ed's testimony cited by the Licensing Board cannot be found in the referenced EPA report. As explained by Mr. Ed in the attached affidavit, the referenced report is the second part of a two part report. Part I of the report is entitled "Protective Action Evaluation Part I: The Effectiveness of Sheltering as a Protective Action Against Nuclear Accidents Involving Gaseous Releases, (EPA

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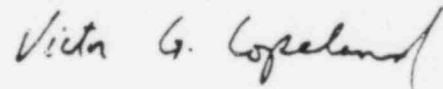
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520/1-78-001A)." Part I of the EPA report was not referenced in Mr. Ed's testimony or in the hearings. Support for some aspects of the cited portion of Mr. Ed's testimony may be found in Part I of the EPA report, rather than Part II. Applicant regrets this oversight and any inconvenience it may have caused. For the convenience of the Licensing Board and the parties, I am enclosing a copy of Part I of the EPA report.

Please be advised that some editions of Part II of the EPA report mistakenly were published with the subtitle of Part I, although the number correctly appears on the cover as EPA 520/1-78-001B. These editions also mistakenly were published with the preface page from Part I.

The Licensing Board appears to interpret Mr. Ed's testimony to mean that the EPA report supports the "conservative" policy adopted by the State of Illinois in its protective action decision making procedure. As explained by Mr. Ed, any such inference was unintended. The "conservatism" in the State procedures is defined by the State policy and not derived from the EPA report. If Applicant has misinterpreted the Licensing Board's Memorandum and Mr. Ed's affidavit is unresponsive to the Board's concerns, Applicant would request further opportunity to provide additional clarification of Mr. Ed's testimony.

Very truly yours,



Victor G. Copeland

One of the Attorneys for
Commonwealth Edison Company

VGC:mbn

Enclosure

cc: Service List