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BY MESSENGER

June 21, 1984

Ms. Jane M. Whicher
Business and Professional People for
the Public Interest
109 North Dearborn Street
Suite 1300
Chicago, Illinois 60602

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

Dear Jane:

I have the following observations regarding your
letter of June 20, 1984:

As I understand your position regarding our supplementary document production, you are complaining because we continue to make a good faith effort to search out additional documents which are responsive to your requests. My June 19 letter represented that "virtually" all non-technical documents have now been produced and John Gayley's subsequent letter indicates that a "small number" of additional documents have come to light. If you wish us to stop looking for additional documents, simply say so and we will. The notion that our diligence in responding to discovery requests is an excuse for delaying the hearing is contrary to the spirit of the NRC's Rules of Practice and, on its face, absurd.

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With respect to documents which we claim as privileged, I note that your request does not require us to identify such documents and we would be fully justified in simply withholding them without giving you any notice that we are doing so. Nonetheless, I will honor my commitment to you to identify such documents. The documents withheld from you on grounds of attorney-client and work product privileges include various documents in the following categories:

- (a) Notes of meetings attended by attorneys from Isham, Lincoln & Beale at which legal advice regarding the Licensing Board's January 13, 1984 decision, the appeal process, the Appeal Board's decision and the Company's evidentiary presentation in the reopened hearings was discussed.
- (b) Notes of meetings at which attorneys from Isham, Lincoln & Beale, consultants retained by our firm and representatives of Commonwealth Edison Company discussed the scope and content of evidence to be presented in the reopened hearing.
- (c) A letter to me from Robert V. Laney, written at my request, advising me on the technical scope and content of evidence that is being prepared for use in the reopened hearings.
- (d) Communications between John Hansel and attorneys in this office concerning the scope and content of his testimony, and a preliminary written discussion of Mr. Hansel's review of the reinspection program, dated May 7, 1984.

Ms. Jane M. Whicher
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Both Mr. Laney and Mr. Hansel are expert witnesses who have been retained by Isham, Lincoln & Beale in connection with the reopened hearings.

I suggest that we terminate this pointless correspondence. If you have any motions to make on behalf of your clients, do so and we will respond on an expedited basis. Perhaps a conference call with the Licensing Board is the most efficient way of establishing the ground rules with respect to these matters.

Very truly yours,



Michael I. Miller

MIM:es

cc Service List