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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

JUN -3 11:35

In the Matter Of:

COMMONWEALTH EDISON COMPANY

(Braidwood Nuclear Power  
Station, Units 1 and 2)

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Docket Nos. 50-456 *OL*  
50-457 *OL*

OFFICE OF SECRETARY  
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BRANCH

Status Report

Pursuant to the Atomic Safety & Licensing Board's Order of April 17, 1985, Commonwealth Edison Company ("Applicant") submits the following report. This report covers the present status of discovery, any revisions to the admitted contentions and settlement discussions. Counsel for the Applicant is authorized to state that counsel for the NRC Staff and Bob Neiner Farms, Inc., and Ms. Rorem concur in this report.

Bob Neiner Farms, Inc. - Contention 4 (Joliet Arsenal). The Applicant took the deposition of the witness for the NRC Staff, Mr. Charles Ferrell, on May 17, 1985. Ms. Creek, the spokesperson for Bob Neiner Farms, Inc., was deposed by Applicant on May 21, 1985. The NRC Staff participated in the deposition of Ms. Creek.

Discovery has been completed on Contention 4, except that Applicant with the concurrence of NRC Staff Counsel has reserved the option to recall Mr. Ferrell once he has completed his review of the issues

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underlying Contention 4. Applicant has been unsuccessful in its attempts to obtain reliable information from the U.S. Army about the potential use of Joliet Arsenal as a site to manufacture RDX-HMX explosives. The Applicant intends to subpoena an appropriate representative of the Army as a witness who would either testify at an evidentiary deposition or the hearings.

Mr. Bock and his client are considering a proposal to settle this contention. We should know whether or not settlement is possible within the next two weeks. In the interim, it would not be appropriate to attempt to revise Contention 4.

Bob Neiner Farms, Inc. - Contention 1 (765 kV transmission lines). The Applicant took the deposition of the witness for the NRC Staff, Dr. Pentecost, on May 16, 1985. Ms. Creek was deposed by the Applicant on May 21, 1985, and the NRC Staff participated in the deposition. Discovery has not been completed on this issue. Applicant with the concurrence of NRC Staff Counsel has reserved the option to recall Dr. Pentecost once he has completed his review of the issues underlying Contention 1. Counsel for Bob Neiner Farms, Inc. intends to call one or more witnesses who were either not known or unavailable for a deposition during May. Mr. Bock has agreed to make these witnesses available for depositions as soon as they have been identified and/or their schedules permit. The Applicant similarly has not identified its witnesses and it has agreed to make them available to Mr. Bock for deposition on the same basis as indicated for his witnesses. The NRC Staff would, of course, participate in any further discovery on this matter.

As required by the April 17 Order, Applicant filed, on May 30, the affidavit of Mr. Alfred H. Getty concerning the Applicant's present plans for the installation of 765 kV transmission lines. This affidavit served as the basis for settlement discussions with Bob Neiner Farms, Inc., and the Applicant is considering several proposals to settle this contention. We should know whether or not settlement is possible within the next two weeks. It does not appear necessary to revise Contention 1.

Bridget Little-Rorem - Contention 1 (Emergency Plans).

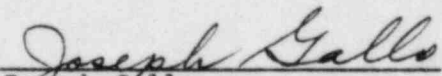
Ms. Rorem's deposition on this issue was taken by the Applicant on May 21, 1985. The NRC Staff participated in the deposition. Applicant is presently considering whether to file a motion to compel answers to several questions that Ms. Rorem declined to answer during the deposition.

Ms. Rorem indicated several concerns with respect to the wording of the Applicant's emergency planning brochure. She is undertaking to suggest several revisions to the brochure which Applicant has agreed to consider. We should know whether or not it is possible to settle this aspect of Contention 1 in the next two weeks. Ms. Rorem has agreed to delete the word "hospitals" from paragraph c. of Contention 1. No other changes were made to the wording of the contention.

Counsel for Applicant understands that the State and Local emergency plan for Braidwood Station will not be issued until late July or August 1985. It will be sent to the NRC Staff at that time for its review, which will include a review and evaluation by the Federal Emergency Management Agency ("FEMA"). The latter agency's review is estimated to take two months. Thereafter, the NRC Staff will be able to finalize its position on the adequacy of the Plan and draft testimony. It is

apparent, therefore, that Contention 1 cannot be litigated during hearings scheduled for October 1, 1985. Applicant suggests that a revised hearing schedule for the litigation of this issue be held in abeyance until it is known when the State and local plan will be made available to FEMA and Ms. Rorem.

Respectfully submitted,

  
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One of the Attorneys for  
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Dated: May 31, 1985



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY ) Docket Nos. 50-456  
(Braidwood Nuclear Power Station ) 50-457  
Units 1 and 2) DOCKETED  
USNRC

CERTIFICATE OF SERVICE

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I hereby certify that a copy of the STATUS REPORT was served by (i) messenger on the persons listed below with one asterick after their names, (ii) Federal Express or Express Mail on the persons listed below with two astericks after their names, and (iii) deposit in the United States mail, first-class postage prepaid on the remaining persons, this 31st day of May, 1985.

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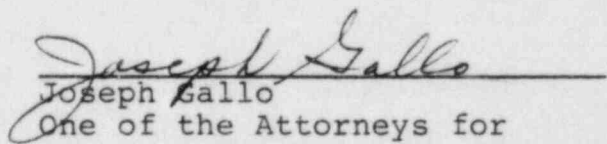
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