

July 11, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

COMMONWEALTH EDISON COMPANY )

(Braidwood Nuclear Power Station, )  
Units 1 and 2 )

Docket Nos. 50-456  
50-457

NRC STAFF RESPONSE TO JUNE 21, 1985  
ORDER RECONSIDERING ADMISSION OF NEINER FARMS  
CONTENTION 4 (RAILROAD EXPLOSION)

I. BACKGROUND

In its June 21, 1985 Order Reconsidering Admission of Neiner Farms Contention 4 (Railroad Explosion) ("Order") the Board rejected Neiner Contention 4(c) leaving parts 4(a) and 4(b) as issues in controversy. The Board expressed concern that the present wording of Contention 4(a) and (b) did not accurately identify what is truly in controversy and suggested if a settlement was not reached that the wording of the contention be modified.

II. DISCUSSION

Victor Copeland, Counsel for Applicant, Allen Bock, Counsel for Neiner Farms, Inc. and NRC Staff Counsel reached a mutual agreement by telephone concerning modified wording for Neiner Contention 4(a) and (b). Pursuant to the Board's Order, the Staff submits on behalf of the parties the modified wording for Neiner Contention 4(a) and (b).

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MODIFIED NEINER CONTENTION 4(a) AND (b)

4. Intervenor's contend that the proximity of the Illinois Central Railroad line to the Braidwood Station site and the use of that rail line to transport munitions from the Joilet Army Ammunition Plant, including the potential transport of RDX and HMX explosives which may be manufactured at that facility in the future, create an unacceptably hazardous condition. The condition is hazardous in the following respects:

a. The probability of an accident involving an explosion of munitions on the rail line is not so low as to preclude its consideration as a design basis accident; and

b. The design of the Braidwood Station is such that the facility could not withstand the occurrence of an explosion of munitions on the rail line without endangering the public health and safety.

Respectfully submitted,

*Elaine I. Chan*

Elaine I. Chan  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 11th day of July, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

COMMONWEALTH EDISON COMPANY )

(Braidwood Nuclear Power Station, )  
Units 1 and 2 )

Docket Nos. 50-456  
50-457

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTION OF COMMONWEALTH EDISON COMPANY FOR SUMMARY DISPOSITION ON PLEADINGS OF BOB NEINER FARMS, INC. CONTENTION 1 AND BRIDGET LITTLE ROEM ET AL. CONTENTION 1(c)" and "NRC STAFF RESPONSE TO JUNE 21, 1985 ORDER RECONSIDERING ADMISSION OF NEINER FARMS CONTENTION 4 (RAILROAD EXPLOSION)" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by (\*) through deposit in the Nuclear Regulatory Commission's internal mail system, or (\*\*) by overnight or express Mail delivery this 11th day of July, 1985, (\*\*\*) by hand delivery on the 12th day of July, 1985:

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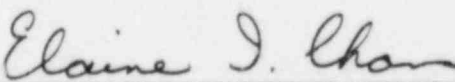
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