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USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHIn the Matter of)
COMMONWEALTH EDISON COMPANY)
(Braidwood Station Units 1)
and 2))Docket Nos. 50-456 *cl*
50-457COMMONWEALTH EDISON COMPANY'S
MOTION TO EXCLUDE PORTIONS OF
TESTIMONY OF NRC STAFF WITNESS
ON ROEM CONTENTION 1(a)

Pursuant to the provisions of 10 C.F.R. § 2.743(c), Commonwealth Edison Company ("Applicant") moves this Atomic Safety and Licensing Board to enter an order excluding from evidence portions of the prepared testimony of Gordon Wenger. Mr. Wenger's prepared testimony was served by counsel for the NRC Staff on October 10, 1985. Inasmuch as this testimony is not yet in the record, this Motion seeks to prevent the admission of the objectionable portions of Mr. Wenger's testimony into the record.

Specifically, Applicant objects to the following portions of Mr. Wenger's prepared testimony as irrelevant:

- Page 7, first paragraph in following part:

... but it also calls for annual press briefings, the designation of Public Information Spokesperson, and systematic rumor control. Exhibit C to this testimony is Section K, "Public Information Considerations," of Volume VII, Chapter 2, of the IPRA.

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- Pages 7-8, the entire paragraph spanning those two pages:

In preparation for annual press briefings, the news media will be given portfolios of handouts. At the briefings, they will be able to ask questions directly of representatives of state and local governments and of the utility. Briefing topics will include an overview of the Illinois Plan for Radiological Accidents-Braidwood, the concept of operations, the accident classification scheme, the communications network, protective and parallel actions, and public information. In short, the news media will be given ample opportunity to become knowledgeable not only about the emergency plans but also about the nature of any emergency which may be anticipated.

- Pages 8-9, the entire sentence spanning those two pages:

The plan also calls for annual briefings of the news media, and a continual flow of vital information to the public in the event of an emergency.

- Exhibit C in its entirety except for the two paragraphs under "Public Information Booklet".

In support of this Motion, Applicant states as follows:

1. Mr. Wenger will be the witness for the NRC Staff at the hearings on Rorem Contention 1(a) regarding emergency planning. Mr. Wenger's prepared testimony addresses that contention.

2. Pending before the Licensing Board is Applicant's motion to particularize Rorem Contention 1(a). (Commonwealth Edison Company's Motion to Particularize Rorem Contention 1(a), served August 15, 1985.) For the reasons stated in that Motion,

and as clarified by Applicant's counsel in a letter dated October 2, 1985, Rorem Contention 1(a) should be limited to issues arising under the first clause of 10 C.F.R. § 50.47(b)(7), specifically the part which states:

Information is made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency (e.g., listening to a local broadcast station and remaining indoors), ...

Thus, Rorem Contention 1(a) should exclude issues arising under the remainder of 10 C.F.R. § 50.47(b)(7) which states:

... the principal points of contact with the news media for dissemination of information during an emergency (including the physical location or locations) are established in advance, and procedures for coordinated dissemination of information to the public are established.

3. As Applicant's October 2 letter indicated, the NRC Staff agreed that the issue of pre-accident arrangements with the news media was never within the scope of Rorem Contention 1(a). Nevertheless, for some inexplicable reason, Mr. Wenger's proposed testimony addresses this subject. The portions of Mr. Wenger's testimony specified for exclusion clearly do not pertain to the periodic public information requirement of the first clause of § 50.47(b)(7), but rather to the requirement in the second clause for advance arrangements for dissemination of information through the news media during an emergency. Thus, if the Licensing Board grants Applicant's Motion to Particularize Rorem Contention 1(a),

the specified portions of Mr. Wenger's testimony are irrelevant to Contention 1(a) and should be excluded from the record.

For the foregoing reasons, this Motion should be granted.

Respectfully submitted,

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DATED: October 17, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
COMMONWEALTH EDISON COMPANY)
(Braidwood Station Units 1 and 2))

OFFICE OF SECRETARY
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Docket Nos. 50-456
50-457

CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION TO EXCLUDE PORTIONS OF TESTIMONY OF NRC STAFF WITNESS ON ROREM CONTENTION 1(a) were served by messenger on the persons identified below with a single asterik, by Federal Express on the persons identified with two asteriks and by deposit in the United States mail, first-class postage prepaid, on the remaining persons, this 17th day of October, 1985.

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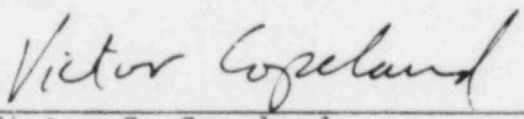
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