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August 9, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

\*85 AUG 16 10:53

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

Docket Nos.

OFFICE OF SECRETARY  
DOCKET SERVICE  
BRANCH  
50-456  
50-457 02

MOTION FOR BOARD APPROVAL OF SETTLEMENT AGREEMENT  
REGARDING BOB NEINER FARMS, INC. ET AL. CONTENTION 4(a) and (b)

INTRODUCTION

In the July 23, 1985 Prehearing Conference, Allen Bock, Counsel for Intervenor, Bob Neiner Farms, Inc. ("Neiner Farms"), agreed to provide a progress report to the Board by August 9, 1985 which would include any agreements reached by the parties concerning the settlement of Neiner Farms Contention 4(a) and (b). Allen Bock for Neiner Farms, Victor Copeland for Commonwealth Edison Company and Staff counsel have discussed possible settlement options and have reached a consensus on the settlement agreement contained herein. Messrs. Back and Copeland have authorized Staff counsel to submit on behalf of the parties the following settlement agreement for the Board's approval.

AGREEMENT

Neiner Farms agrees to withdraw Contention 4(a) and (b) if the Board imposes the following license condition on the operating license for Braidwood Nuclear Power Station, Units 1 and 2.

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Proposed Operating License Condition

• Licensee will use its best efforts, at least annually, to determine whether any explosives other than flake TNT will be produced at the Joliet Army Ammunition Plant and shipped by rail over the rail line which passes near the Braidwood Station. Licensee will notify the NRC Staff and Neiner Farms, Inc. of the information learned in these inquiries.

MOTION

The parties move the Board to approve the settlement agreement discussed herein. See 10 C.F.R. § 2.759.

Respectfully submitted,

*Elaine I. Chan*

Elaine I. Chan  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 9th day of August, 1985

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BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "MOTION FOR BOARD APPROVAL OF SETTLEMENT AGREEMENT REGARDING BOB NEINER FARMS, INC. CONTENTION 4(a) and (b)" 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, or (\*\*\*) hand delivery this 9th day of August, 1985:

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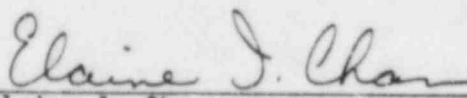
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