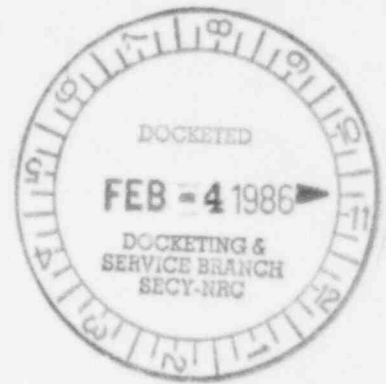


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman  
Richard F. Cole  
A. Dixon Callihan



SERVED FEB 4 1986

In the Matter of

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Unit Nos. 1 and 2)

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

ASLBP No. 79-410-03-OL

February 3, 1986

MEMORANDUM  
(Confirming Rulings Made  
at Prehearing Conference of 1/27/86)

A prehearing conference was held on January 27, 1986 at the request of the parties to discuss their respective motions to revise the hearing schedule on the quality assurance (QA) issues and Intervenor's motion to impose sanctions upon Applicant. Intervenor's motion for sanctions was based upon their allegations that Applicant had breached scheduling agreements entered into by the parties by filing 14 motions for summary disposition approximately one month earlier than had been discussed by counsel and by attempting to shorten the schedule leading to hearing on the QA issues by approximately one month from what had been agreed to.

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The Board took the following actions:

1. The Board Denied the Request for Sanctions.

We accepted Applicant's and Staff's position that no final agreement had been entered into by the parties with regard to scheduling. However, in our opinion, there had been an agreement as to a range of dates, which Applicant's and Staff's current proposals would shorten. Had there been no such agreement, the parties would have breached their obligations to the Board by departing from the existing schedule that had already been approved by the Board. The Board does not disapprove of a departure from its schedule if the parties are in agreement on a revised schedule which would facilitate moving to a well-prepared hearing, and attempt to bring the proposed revision of schedule to the Board as soon as it is finalized. Had no agreement been reached on even a range of dates, Applicant's motions for summary disposition, for example, would have been out of time as missing the Board's schedule of October 23, 1985, which set the deadline for motions for summary disposition on the QA contention at December 2, 1985. Furthermore, we recognize that Intervenor's had relied to some extent on the agreed range of dates in arranging their discovery schedule. However, in view of the fact that no final agreement had been reached on an exact schedule, and that Intervenor's will suffer no harm if the Board established a schedule that would accommodate its needs, we did not find that Applicant's departure from the agreed

range of dates is sanctionable. We therefore denied Intervenor's motion for sanctions.

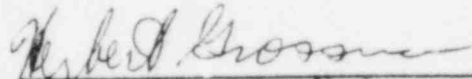
2. The Board Established the Following Schedule:

Date

February 7	Deadline for answering interrogatories already served. (No further interrogatories are to be served.)
February 18	Deadline for filing answers to Applicant's Motion for Summary Disposition.
February 28	Deadline for the identification of all QA witnesses.
March 17	Deadline for concluding depositions.
March 28	Target date for ASLB ruling on summary disposition motions.
April 11	Applicant files direct testimony on QA issues.
April 18	Intervenors and Staff file direct testimony on QA issues.
April 28	Motions to strike testimony.
May 6	Hearing Commences.

The Board will allow filing requests for admissions with response dates (as provided by the Rules) up to the date of hearing.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

  
Herbert Grossman, Chairman  
ADMINISTRATIVE JUDGE

February 3, 1986,  
Bethesda, Maryland.