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Re: In the Matter of Commonwealth Edison Company  
(Braidwood Station, Units 1 and 2, Docket  
Nos. 50-456 and 50-457) DL

Gentlemen:

During the Telephone Conference Call ("TCC") on September 30, it became clear that Ms. Rorem did not agree with the proposed stipulation on the scope of Contention 1(a) which was filed by the NRC Staff on August 28, 1985. I indicated that I would reassess Commonwealth Edison Company's position in this matter and advise the Board today. (TCC Tr. 24-25). The purpose of this letter is to provide that assessment.

Applicant's Motion of August 15, 1985 requested the Licensing Board to particularize and limit Contention 1(a) to the public education and information aspect of 10 C.F.R. § 50.47(b)(7). The Motion specifically sought to exclude from consideration under the Contention any inquiry into public notification activities at the time of an accident. Applicant believes the Contention should be so limited for the reasons stated in its Motion. Ms. Rorem does not seem to controvert Applicant's interpretation of her Contention. (TCC Tr. 19-20, see especially lines 9-12 of Tr. 20; but see Tr. 23) Therefore, it would seem that her disagreement with the proposed stipulation is limited to the exclusion of news media interaction as an issue under the Contention.

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The "news media" issue excluded by the proposed stipulation is:

"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."

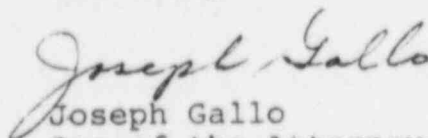
These words are an exact quotation of the last phrase of 10 C.F.R. § 50.47(b)(7). The exclusionary language of the proposed stipulation was correct since the wording of Ms. Rorem's admitted contention did not raise any news media issue. The language of her Contention did not question the adequacy of any pre-accident arrangements with the news media. As a consequence, the language of the Contention was self-limiting and there was no need to particularize and limit her Contention in this respect.

In summary, Applicant stands on its Motion of August 15. No issue under 10 C.F.R. § 50.47(b)(5) should be entertained under Contention 1(a). Moreover, the Contention should be limited under section 50.47(b)(7) to the first phrase of that section, namely public education and information. Media interaction should be excluded.

This letter is being sent to Ms. Rorem by Federal Express today. Under the Rules of Practice, Ms. Rorem would have 12 calendar days within which to respond to this matter. The time for response should be abbreviated by the Board to 6 days since she has been dilatory in advising the parties and the Board of her contrary position (TCC Tr. 18-19). Moreover, fast approaching hearing dates require a speedy resolution of this matter.

I am authorized to state that the NRC Staff does not object to Applicant's Motion and agrees that the issue of the adequacy of any pre-accident arrangements with the news media was never within the scope of issues raised by Rorem Contention 1(a).

Sincerely,



Joseph Gallo  
One of the Attorneys for  
COMMONWEALTH EDISON COMPANY

JG/mg

cc: Service List