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RELATED CORRESPONDENCE

October 25, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

Docket Nos. 50-456  
50-457 02

NRC STAFF RESPONSE TO APPLICANT'S MOTION  
TO EXCLUDE PORTIONS OF TESTIMONY OF NRC STAFF  
WITNESS ON ROREM CONTENTION 1(a)

Introduction

On October 17, 1985, Applicant filed a motion to exclude portions of the prepared testimony of Gordon Wenger, a FEMA official, who is presenting testimony on behalf of the NRC Staff on Rorem Contention 1(a). For the reasons set forth below, and after consultation with counsel for FEMA, the Staff does not oppose Applicant's October 17, 1985 motion. For the convenience of the Board and other parties, the Staff is attaching a revised copy of Mr. Wenger's prepared testimony from which the objected portions have been removed. 1/

Discussion

In Applicant's motion of August 15, 1985 to particularize Rorem Contention 1(a) and supplemental letter of October 2, 1985, Applicant moved that the Board limit the contention to the education of the public prior

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1/ On pages 3, 8 and 9 of Mr. Wenger's prepared testimony, the term "requirements" was used incorrectly. This revision substitutes "guidance" or "concerns" for "requirements."

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to an accident. Intervenor Rorem objected to Applicant's proposed restriction of the contention in a letter dated October 8, 1985. On October 10, 1985, while this matter was pending before the Board, the NRC Staff filed the proposed testimony of Gordon Wenger on Rorem Contention 1(a) -- Emergency Planning. As a matter of caution, the testimony included some references to pre-accident arrangements with the news media. In Edison Company's Motion to Exclude Portions of Testimony of NRC Staff Witness on Rorem Contention 1(a) (Motion) dated October 17, 1985, Applicant moved to strike those portions of Mr. Wenger's testimony dealing with the news media. In its October 18, 1985 Memorandum and Order, the Board granted Applicant's August 15, 1985 motion to particularize Rorem Contention 1(a) and restricted the contention to the education of the public before an accident subject to reconsideration if Intervenor filed an offer of proof among other things. In light of the Board's October 18, 1985 Memorandum and Order, those portions of Mr. Wenger's prepared testimony objected to no longer appear necessary for the Staff's evidence on Rorem Contention 1(a). Accordingly, the Staff does not object to Applicant's motion.

Conclusion

For the reasons discussed above, the Staff does not oppose Applicant's October 17, 1985 motion.

Respectfully submitted,



Elaine I. Chan  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 25th day of October, 1985