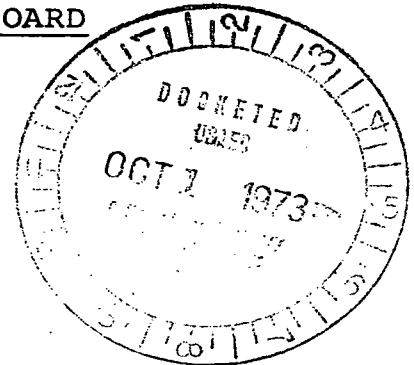


9/26/73

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
WISCONSIN PUBLIC SERVICE CORPORATION  
WISCONSIN POWER AND LIGHT COMPANY  
and  
MADISON GAS AND ELECTRIC COMPANY  
(Kewaunee Nuclear Power Plant)



Docket No. 50-305

INTERVENORS' MOTION FOR AN ORDER  
ADMITTING CONTENTION 3.50 AS A MATTER  
IN CONTROVERSY

Intervenors, BPI, Protect Our Wisconsin Environmental Resources and the Brown County Chapter of the Izaak Walton League, by their attorney, respectfully move the Board to enter an order admitting as a matter in controversy in this proceeding Contention 3.50 attached hereto.

In support of this motion Intervenors state that as demonstrated by the attached Affidavit of David Dinsmore Comey, the subject matter of Contention 3.50 was not known

to them until September 24, 1973 and that the contention could not have been written and submitted to the Board and the parties at any time prior to the date hereof. Intervenors further state that no party will suffer any substantial prejudice by reason of the Board's granting this motion and that substantial justice requires that it be granted.

CONCLUSION

For the foregoing reasons, the Board should enter an order providing that Contention 3.50 is admitted as a matter in controversy in this proceeding.

Respectfully submitted,



Robert J. Vollen  
Attorney for Intervenors  
BPI  
Protect Our Wisconsin Environmental  
Resources  
Brown County Chapter of the Izaak  
Walton League

Robert J. Vollen  
BPI  
109 North Dearborn Street  
Chicago, Illinois 60602  
(312) 641-5570

Contention 3.50:

The residual heat removal pump #1B, one of the two low head safety injection pumps in the emergency core cooling system, does not meet design flow in the low head injection mode. Test data indicate that #1B injection flow is approximately 1900 gpm at 130 psig as compared with a design flow of 2000 gpm at a 280 foot head. Intervenors contend that no operating license should be issued until this pump is replaced or made to meet design flow requirements.

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(Kewaunee Nuclear Power Plant)

Docket No. 50-305

STATE OF ILLINOIS

COUNTY OF COOK

SS.

AFFIDAVIT

David Dinsmore Comey, being duly sworn on oath,  
deposes and says that:

1. He is Director of Environmental Research of BPI, one of the Intervenor in this proceeding and that he is the technical advisor and consultant to all of the Intervenor in this proceeding.

2. That on September 24, 1973, he was in Washington, D.C. and for the first time saw documentation indicating that the residual heat removal pump 1B in the Kewaunee nuclear power plant does not meet design flow in the low head injection mode. He did not have knowledge of that matter prior to seeing that documentation. To the best of his knowledge, information and belief, no other representative of the Intervenor in this proceeding had any knowledge of that matter prior to September 24, 1973.

3. He did not return to Chicago, Illinois until the evening of September 25, 1973 and September 26, 1973 was the first date in which he was present in his office in Chicago, Illinois subsequent to obtaining the information described in paragraph 2 above.

  
\_\_\_\_\_  
DAVID DINSMORE COMEY

Subscribed and sworn to  
before me this 26th day  
of September, 1973.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: October 28, 1976