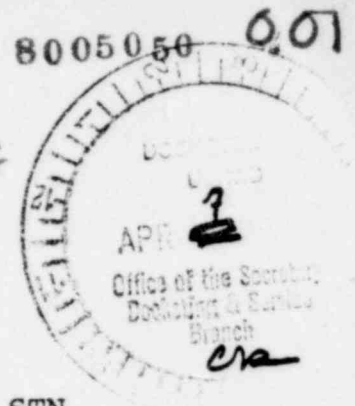


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
COMMONWEALTH EDISON CO.,) Docket Nos. STN
Byron Station) 50-454 and 50-455
(Units No. 1 and No. 2)) Operating License

REPLY OF LEAGUE OF WOMEN VOTERS
OF ROCKFORD, ILLINOIS, IN SUPPORT
OF ITS INTERROGATORIES DIRECTED
TO APPLICANT AND STAFF

On March 12, 1980, the League of Women Voters of Rockford, Illinois (hereafter "Intervenor"), served and filed Interrogatories addressed to the Staff and Applicant. In addition, on the same date, Intervenor requested an order from the Board directing the Staff to answer interrogatories.

Under date of March 19, 1980 and March 26, 1980, Applicant and the Regulatory Staff objected to the Interrogatories essentially on the same grounds: that the Revised Contentions of the League have not yet been ruled upon by the Board and therefore discovery is improper.

Both Applicant and Staff are incorrect for at least the following reasons:

1. Discovery pursuant to 10 C.F.R. and in particular Section 2.740(b)(1) provides, as does the Federal Rules

upon which 10 C.F.R. is patterned, that:

"It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to discovery of admissible evidence."

Clearly the Interrogatory information we requested falls under this broad standard.

2. While the discovery procedures generally provide that discovery is only applicable to matters "in controversy," a fair reading of the Rule clearly indicates that discovery is available to formulate what is not controversy. Otherwise, discovery rules would be stripped of substantial efficacy.

3. The Interrogatories addressed to the Staff and Applicant seek information relating to serious unresolved safety problems and to fail to require the Applicant and Staff to respond would hamper this Board in making adequate decisions concerning the Revised Contentions.

4. Moreover, it has long been the practice of Atomic Safety and Licensing Boards to permit discovery on contentions for the purpose of ultimately making a decision as to whether a particular contention should be the subject of controversy. See, for example, discovery Orders entered in, In the Matter of Metropolitan Edison Company, Three Mile Island Nuclear Station, Unit No. 1, Operating License, Docket No. 50-289; see also In The Matter of Pacific Gas & Electric Co. (Stanislaus - Unit 1), Docket No. P-564A, 7 N.R.C. 1038, LBP-78-20 (1978).

5. Particularly since this Board is charged with overall responsibility to resolve safety problems brought to its attention, for it to approve the position of the Applicant and the Regulatory Staff would render these procedures unworkable and a sham.

WHEREFORE, for all of the above reasons, Intervenor requests the Board to enter an Order requiring Applicant and Staff to answer the Interrogatories served and filed on March 12, 1980.

Respectfully,

ROCKFORD LEAGUE OF WOMEN VOTERS

By: 

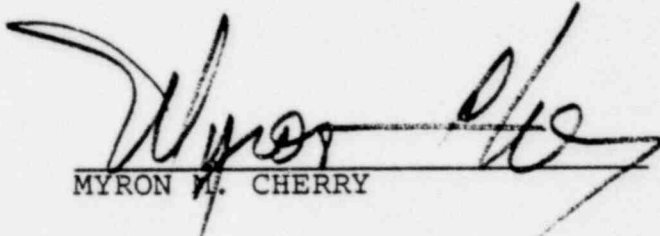
Its Attorney

DATED: April 1, 1980

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PROOF OF SERVICE

I certify that a copy of the foregoing Reply was served, postage prepaid and properly addressed, on counsel of record, members of the Licensing Board, and the Secretary-Docketing Section of the United States Nuclear Regulatory Commission this 1st day of April, 1980.


MYRON V. CHERRY

