

ISHAM, LINCOLN & BEALE  
COUNSELORS AT LAW

ONE FIRST NATIONAL PLAZA FORTY-SECOND FLOOR  
CHICAGO, ILLINOIS 60603  
TELEPHONE 312-558-7500 TELEX: 2-5288

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WASHINGTON OFFICE  
1120 CONNECTICUT AVENUE, N.W.  
SUITE 325  
WASHINGTON, D.C. 20036  
202-633-9730

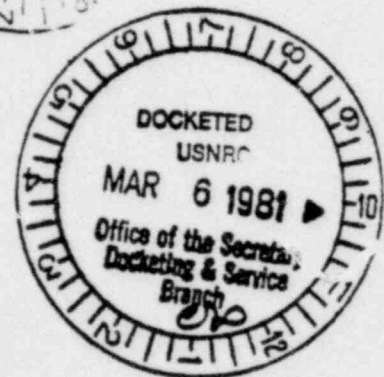
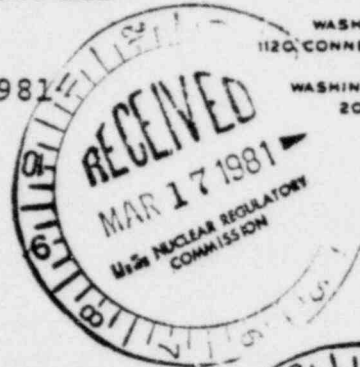
John F. Ahearne, Chairman  
Victor Gilinsky, Commissioner  
Joseph M. Hendrie, Commissioner  
Peter A. Bradford, Commissioner  
United States Nuclear Regulating  
Commission  
Washington, D.C. 20555

Harold R. Denton, Director  
Office of Nuclear Reactor  
Regulation  
United States Nuclear Regulating  
Commission  
Washington, D.C. 20555

Gentlemen:

We are in receipt of a letter from the office of the Legal Director forwarding a letter dated January 27, 1981 and a supplemental affidavit from Myron Cherry to the Commissioners and Mr. Denton regarding Mr. Cherry's pending petition to suspend construction of Commonwealth Edison's Byron Nuclear Station. To date, because of its total lack of merit, we have deemed it unnecessary to comment upon Mr. Cherry's petition. At this point, however, we believe that a response, on behalf of the Company, to Mr. Cherry's unfounded accusations is warranted, lest the Commission interprets our silence as indicating that the Company places any credence in the matters raised in the petition.

At the same time Mr. Cherry filed his petition with the NRC, he filed various petitions with the Illinois Commerce Commission relating to the same matters raised in the 2.206 petition, ie., whether construction of the Byron Station should continue in light of certain "unresolved generic safety issues." In response to one of these petitions, Edison filed affidavits, one of which we believe is also relevant to the allegations contained in Mr. Cherry's 2.206 petition. While the affidavit of Mr. James D. Deress, Edison's Project Engineering Manager of the Byron and Braidwood projects, focuses upon economic impacts on Edison of



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generic safety issues, it also discloses the company's plans with respect to the generic safety issues raised by Mr. Cherry's petition, and outlines the obvious deficiencies and inaccuracies of the Affidavit of Messrs. Minor and Hubard. (Mr. Deress' Affidavit is attached.)

Mr. Cherry's statement, on pages 3 and 4 of his supplemental affidavit, that Edison "importuned the Illinois Commerce Commission to authorize and direct it to complete the Byron nuclear facility as rapidly as possible" inaccurately depicts the nature of the proceeding before that Commission. First, contrary to Mr. Cherry's innuendo, the proceeding was commenced as an investigation into Edison's construction program by the Commerce Commission on its own initiative. Second, and more significantly, the League of Women Voters of Rockford, Illinois, which was represented by Mr. Cherry, intervened, and was admitted as a party to the Commerce Commission proceeding. The League thus had every opportunity to present facts and arguments to the Commerce Commission in support of its position. The League chose not to participate in the Commerce Commission proceeding. We believe that Mr. Cherry's characterizations of the Commerce Commission proceedings, and Edison's role therein, must be interpreted in light of these facts.

We hope that the matters discussed in this letter will be useful to the Commission.

Respectfully,

*Michael I. Miller (H&B)*

Michael I. Miller  
Attorney for Commonwealth  
Edison Company

MIM/msb