

RELATED CORRESPONDENCE

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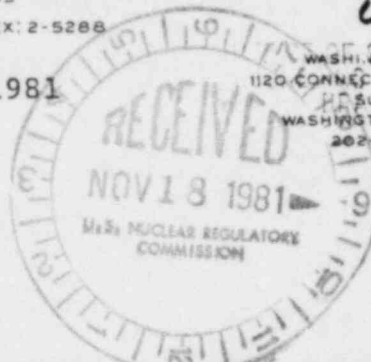
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November 10, 1981

U.S. DEPARTMENT OF ENERGY
WASHINGTON OFFICE
1120 CONNECTICUT AVENUE, N.W.
SUITE B25
WASHINGTON, D.C. 20036
202-833-9730



Ms. Diane Chavez
SAFE
602 Oak
Rockford, Illinois 61104

Re: In the Matter of Commonwealth Edison Company,
Byron Station, Units 1 and 2
Docket Nos. 50-454 OL and 50-455 OL

Dear Ms. Chavez:

On November 5, 1981, representatives of Commonwealth Edison Company and of the Sinissippi Alliance for the Environment met to discuss matters relating to outstanding discovery requests filed by both parties in the above-referenced proceeding. The purpose of this letter is to summarize the agreements reached by the parties with respect to the outstanding interrogatories directed at Edison which have been filed by DAARE and SAFE.

Prior to discussing the parties' positions on individual interrogatories, we will address some preliminary matters. First, during the course of the meeting you represented that you are authorized to speak on behalf of both DAARE and SAFE. This is consistent with the letter dated October 20, 1981 from Dr. Bruce Von Zellen to Judge Marshall E. Miller, chairman of the Atomic Safety and Licensing Board for this proceeding. Accordingly, it is our understanding that the agreements set forth below are binding upon these organizations.

Second, the discussion below represents our understanding of the agreements reached, and positions articulated, by the parties with respect to the interrogatories in question. If your recollection differs from ours, please so inform us as early as possible.

Third, with respect to a number of interrogatories, it is Edison's position that the interrogatories request information which is irrelevant to the referenced proceeding, and thus Edison views the interrogatory as objectionable. Nonetheless, in most circumstances, Edison has agreed to

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voluntarily provide information to DAARE/SAFE, notwithstanding our objections to the interrogatories. This should not be perceived by you as an admission by Edison that the information requested by such interrogatories is relevant, nor does it constitute an agreement to provide DAARE/SAFE with any additional information regarding these interrogatories. Of course, we understand that DAARE/SAFE does not agree that Edison's objections are well founded.

Finally, both DAARE/SAFE and Edison recognize that under the Licensing Board's order, there is a continuing obligation to supplement answers to interrogatories. Therefore, the parties agree to supplement their answers to the interrogatories in question, where appropriate.

With respect to the DAARE and SAFE interrogatories, the parties agreed as follows:

1. With respect to Interrogatory 1, it is Edison's position that this Interrogatory asks for information which is irrelevant to the Byron operating license proceeding and is therefore objectionable. Nonetheless, Edison is willing to provide the direct testimony which it presented in its most recent rate case before the Illinois Commerce Commission relating to the reasons underlying Edison's request for inclusion of CWIP in the rate base. It is DAARE/SAFE's position that Edison's objection is not well founded but that, in any event, Edison's proposed response constitutes an adequate response to Interrogatory 1.
2. With respect to Interrogatory 2, the parties agreed that the Interrogatory should be clarified to read as follows: "Did Edison have a plan to reimburse the interim rates granted in its most recent rate case, and if so, what was the nature of that plan?" It is Edison's position that the Interrogatory as initially phrased and as rephrased requests information which is irrelevant to this proceeding and is thus objectionable. Nonetheless, Edison has agreed to provide DAARE/SAFE with a written response to the Interrogatory, as rephrased. DAARE/SAFE does not agree that Edison's objection is well founded, but agrees that Edison's proposed response fully satisfies its request.

3. With respect to Interrogatory 3, it is Edison's position that this Interrogatory requests information that is irrelevant to this proceeding and is thus objectionable. Edison will nonetheless provide DAARE/SAFE with a written answer to Interrogatory 3 stating that none of the CWIP included in the rate base in Edison's most recent rate case before the Illinois Commerce Commission was associated with Byron and Braidwood, and it will provide DAARE/SAFE with an answer to the question of whether Edison is going to issue common stock to its ratepayers in an amount equivalent to the CWIP. DAARE/SAFE does not agree that Edison's objection is well founded, but in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 3.
4. With respect to Interrogatory 4, it is Edison's position that this Interrogatory requests information that is irrelevant to this proceeding and is thus objectionable. Nonetheless, Edison agreed to make available for inspection by DAARE and SAFE the file consisting of transcripts and the petition in a recent proceeding before the Illinois Commerce Commission in which Edison requested authority to terminate its home insulation program. DAARE and SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 4.
5. With respect to Interrogatory 5, it is Edison's position that the Interrogatory requests information which is irrelevant to this proceeding and is thus objectionable. Nonetheless, Edison has agreed to provide DAARE/SAFE with a reference to that portion of the Environmental Report which addresses decommissioning of the Byron Station at the end of its useful life. In addition, Edison has agreed to state whether it has a plan for decontaminating the Byron facility and financing that decortamination in the event of a Three Mile Island-type accident. DAARE/SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 5.

6. With respect to Interrogatory 6, it is Edison's position that the information requested therein is contained in the Final Safety Analysis Report (FSAR) for the Byron Station. DAARE and SAFE agrees to review the information contained in the FSAR and reserves the right to submit further questions following its review. Edison has not necessarily agreed to respond to any further questions. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 6.
7. With respect to Interrogatory 7, it is Edison's position that the Interrogatory requests information irrelevant to this proceeding and is thus objectionable. Nonetheless, Edison agrees to provide DAARE and SAFE with a copy of the Partial Initial Decision authorizing the initiation of limited work at the Byron site. DAARE and SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 7.
8. With respect to Interrogatory 8, Edison agrees to provide DAARE/SAFE with citations to those portions of the Environmental Report and FSAR that pertain to dose impacts and calculations thereof. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 8.
9. With respect to Interrogatory 9, Edison agrees to provide DAARE/SAFE with citations to the sections of the FSAR pertaining to the seismic analysis and design of the Byron Station. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 9.
10. With respect to Interrogatory 10, Edison agrees to provide DAARE/SAFE with citations to the sections of the FSAR pertaining to the seismic analysis and design for the Byron Station. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 10.
11. With respect to Interrogatory Number 11, Edison agrees to provide for inspection by DAARE and SAFE a computer printout of all licensee event reports with respect to all of Edison's operating plants. Edison stated that it has requested such a computer

printout from the NRC and will make it available to DAARE/SAFE upon its receipt. In addition, Edison has agreed to provide DAARE/SAFE access to the NRC inspection reports and, where called for, Edison's responses thereto as these are contained in the files of Edison's nuclear licensing office. In the event that documents pertaining to NRC inspection reports are not located in the files of Edison's nuclear licensing office, and if at some future date DAARE/SAFE requests access to such documents, Edison agrees to attempt to locate such documents and, if located, to provide DAARE/SAFE access thereto. In addition, Edison has agreed to provide DAARE SAFE with a written response to Interrogatory 11 which sets forth the total amount of fines levied by the NRC against Edison. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 11.

12. With respect to Interrogatory 12, Edison has agreed to provide DAARE/SAFE with the court docket number of the case referred to in the Interrogatory. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 12.
13. With respect to Interrogatory 13, Edison stated that it would attempt to determine whether Edison maintained a separate file on radioactive materials transportation and packaging incidents reported to the NRC and, if so, would provide DAARE/SAFE access to the documentation of such incidents. If Edison does not maintain a separate file, Edison stated that documents relating to packaging and transportation incidents reported to the NRC would be provided in conjunction with the information provided to DAARE and SAFE with respect to Interrogatory 11. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 13.
14. With respect to Interrogatory 14, Edison stated that the information requested therein relates to the computation of compliance by Edison with the provisions of 10 CFR Part 50, Appendix I. Edison agreed to provide citations to the appropriate portions of the FSAR and ER on anticipated dose to the maximum exposed individual. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 14.

15. With respect to Interrogatory 15, Edison agreed to provide DAARE/SAFE access to a copy of the NRC report relating to the most recent evacuation drill for the Zion Station. Edison also agreed to provide a written response to DAARE/SAFE setting forth the anticipated date for the evacuation drill of the Byron Station and, when it becomes available, a schedule of the events relating to the Byron Station evacuation drill. Edison also agreed to provide in writing a list of the agencies which will be involved in the evacuation drill for the Byron Station to the extent that those agencies are known to Edison. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 15.
16. With respect to Interrogatories 16 and 17, Edison agreed to provide DAARE/SAFE with a written response stating the extent to which the items listed in DAARE/SAFE Contention 3 will be incorporated in the evacuation drill for Byron. In addition, Edison agreed to provide DAARE/SAFE with a general description of the current requirements on evacuation drills, and stated that such a description may be provided by supplying DAARE/SAFE with a copy of current regulations establishing such requirements. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatories 16 and 17.
17. With respect to Interrogatory 18, it is Edison's position that this Interrogatory requests information which is irrelevant and is thus objectionable. However, Edison stated that to the extent that the information sought in Interrogatory 18 is documented in a Notice of Violation or Licensee Event Report, such information would be provided pursuant to the agreement on Interrogatory 11. DAARE/SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 18.
18. With respect to Interrogatory 19, Edison agreed to provide DAARE/SAFE access to the contract specifications used for bids for the Byron Station and any modifications thereto. In addition, Edison agreed to provide DAARE/SAFE access to the Preliminary Safety Analysis

Report so that DAARE/SAFE might make such comparisons with the FSAR as it sees fit. DAARE/SAFE agrees that Edison's proposed response constitutes an adequate response to Interrogatory 19.

19. With respect to Interrogatory 20, it is Edison's position that the Interrogatory requests information which is irrelevant and is thus objectionable. Nonetheless, to the extent that Edison has collected information with respect to post tension wire breakage, Edison agreed to provide DAARE/SAFE access to communications between Edison and the NRC relating to such incidents. DAARE/SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 20.
20. With respect to Interrogatory 21, Edison's position is that this Interrogatory requests information which is irrelevant to this proceeding and is thus objectionable. Nonetheless, Edison has agreed to provide the information requested, to the extent such information is easily accessible. DAARE/SAFE does not agree that Edison's objection is well founded, but, in any event, agrees that Edison's proposed response constitutes an adequate response to Interrogatory 21.
21. DAARE/SAFE has agreed to withdraw Interrogatory 22.
22. With respect to Interrogatory 23, Edison's position is that this Interrogatory requests information which is irrelevant to the proceeding and is thus objectionable. Accordingly, Edison will not respond to the Interrogatory and will detail the basis for its objection in its formal response to DAARE and SAFE's Interrogatories.
23. With respect to Interrogatory 24, Edison has agreed to respond in writing to the Interrogatory as phrased.
24. With respect to Interrogatory 25, Edison stated that it does not know for certain what information the NRC Staff will include in its Safety Evaluation Report or any supplements thereto. Edison also pointed out that the information which it has

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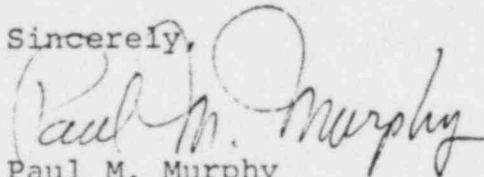
provided to the Staff in conjunction with its safety review of the Byron facility is contained in the NRC public document room. DAARE/SAFE will, if it chooses, review such documentation to gather the information requested in Interrogatory 25.

25. With respect to Interrogatories 26 and 27, the parties agreed that upon receipt of full and complete answers by DAARE and SAFE to Edison's outstanding Interrogatories, Edison will provide full and complete answers to DAARE and SAFE Interrogatories 26 and 27.

Edison agreed to begin to provide access to the documents identified above to DAARE and SAFE beginning on November 13. These documents will be made available at Edison's offices or at the offices of Isham, Lincoln & Beale. In response to DAARE and SAFE's request, Edison also agrees to provide access to these documents on evenings and weekends to the extent supervising personnel are available. Edison has requested that DAARE/SAFE contact Edison at least two days prior to the date DAARE/SAFE desires to inspect documents, but will attempt to accommodate DAARE/SAFE even if such notice is not provided.

We expect to have the written responses to your interrogatories completed by November 13, 1981.

Sincerely,



Paul M. Murphy
One of the Attorneys for
Commonwealth Edison Company

PMM/gi

cc: Service List

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