

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

DOCKETED
 USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 61 NOV 24 P3:46

In the Matter of)

COMMONWEALTH EDISON COMPANY)

(Byron Nuclear Power Station,
 Units 1 and 2))

Docket Nos. 50-454-OL
 50-455-OL

State of Illinois)
 County of Cook) SS

AFFIDAVIT OF LESLIE A. BOWEN

Leslie A. Bowen, being first duly sworn on oath
 deposes and states as follows:

1) My name is Leslie A. Bowen. I am employed by
 Commonwealth Edison Company as an Engineer in the Byron/Braidwood
 Project Engineering Department. In that capacity, my
 responsibilities include providing technical assistance to
 Isham, Lincoln & Beale, the law firm representing Commonwealth
 Edison Company in the NRC operating license proceeding for
 the Byron facility.

2) In September of 1979, I was asked by Paul
 Murphy and Alan Bielawski, of Isham, Lincoln & Beale, to
 attend a meeting with Mr. Myron Cherry, representatives of
 the Rockford League of Women Voters, and the NRC to discuss
 possible negotiations of the League's contentions. The

meeting was held on September 26, 1979 in the offices of Mr. Myron Cherry. Present at the meeting were Mr. Cherry, Ms. Betty Johnson, and another person, whose name I cannot remember, of the League of Women Voters of Rockford, Illinois, Mr. Richard Goddard, an attorney with the NRC, Mr. Calvin Moon, then the NRC Project Manager for the Byron project, Mr. Chuck McDonough, from Edison's Environmental Affairs Department, Mr. Paul Murphy and Mr. Alan Bielawski, of Isham, Lincoln & Beale. I was informed that Mr. Cherry was representing the Rockford League of Women Voters solely for the purposes of negotiating contentions.

3) Mr. Cherry began the meeting by stating that it was a well known fact that the Byron Station would be completed and operated; there was nothing that either he or the League could do to prevent this from occurring. He also stated that if he were retained to represent the League in the upcoming hearings before the Atomic Safety and Licensing Board, his purpose would be to delay the licensing of the Byron Station for as long as possible. This, he stated, would result in Edison's management to conclude that building any future nuclear facilities would be too costly. During the course of the meeting, neither Ms. Betty Johnson nor the other Rockford League of Women Voters' representatives stated any disagreement with Mr. Cherry's views. In fact nothing was accomplished during this meeting other than Mr. Cherry composing a poem during the discussions, which he

proceeded to read aloud above Edison's attempts to carry on intelligent negotiations.

4) In August and September of 1981, I was asked by Alan Bielawski to assist him in the preparation of a document intended to be a proposal by Commonwealth Edison Company to consolidate certain of the contentions admitted by the Licensing Board in the Byron operating license proceeding. Our effort resulted in a document entitled "Commonwealth Edison's Proposal on Consolidated Contentions". I was informed by Mr. Bielawski that this document was forwarded to Mr. Myron Cherry, the lawyer representing the League of Women Voters in the Byron NRC operating license proceeding, early in September, 1981.

5) On September 10, 1981 I was asked to attend a meeting with Mr. Cherry to discuss matters pertaining to discovery pending in the Byron NRC operating license proceeding and in a proceeding before the ICC wherein the League was requesting that the ICC order the cessation of construction at Byron. This meeting was held in the offices of Isham, Lincoln & Beale, and although it was scheduled to begin at 2:00 in the afternoon, Mr. Cherry did not arrive until 3:15. Also in attendance at the meeting were John Lavin, Jim Westermeier, Ken Ainger, Tom Tramm, all employed by Commonwealth Edison Company, and Alan Bielawski and Paul Murphy, of Isham, Lincoln & Beale.

6) Upon Mr. Cherry's arrival, one of the very first matters discussed at the meeting pertained to the question of whether the League would provide answers to interrogatories filed by Commonwealth Edison Company in the Byron NRC operating license proceeding. Initially, Mr. Cherry stated that he would not provide responses to the interrogatories unless and until Commonwealth Edison Company responded to the discovery request which the League had filed in the ICC proceeding. In response to this suggestion, Mr. Murphy stated that the two proceedings were wholly independent of one another and that the League had been ordered by the Atomic Safety and Licensing Board to respond to Edison's interrogatories in the NRC proceeding. Mr. Murphy again asked Mr. Cherry to state whether the League intended to respond to Edison's outstanding interrogatories filed in the NRC proceeding. At this point, Mr. Cherry stated that he would provide responses, but that they would not be helpful to Commonwealth Edison Company. When asked by Mr. Murphy for a date on which the League would file their responses to the NRC interrogatories, Mr. Cherry stated that he would tell Mr. Murphy on the following Monday the date on which Edison could expect the League's responses.

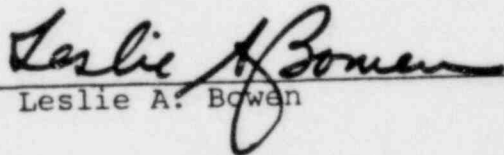
7) During further discussions, Mr. Cherry stated that he had in his possession Edison's proposal on consolidated contentions, and that since the League's contentions had been admitted by the Licensing Board he would not consider modifying them. At this point he returned Edison's proposal

to Mr. Murphy, and left it with Mr. Murphy upon his departure from the meeting.

8) At no time during the course of the meeting, was it agreed that the League's obligation to respond to Edison's interrogatories filed in the NRC operating license proceeding would be in any way dependent upon the filing of Edison's responses to the League's discovery in the ICC proceeding.

The foregoing affidavit is based on my own personal knowledge and is true in fact and in substance.

Dated: November 20, 1981



Leslie A. Bowen

SIGNED and SWORN
to before me this 20th
day of November, 1981



Notary Public