

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-454-OL
)	50-455-OL
(Byron Nuclear Power Station,)	
Units 1 and 2)	
)	

State of Illinois)
 County of Cook) SS

AFFIDAVIT OF TOM ROBERT TRAMM

Tom Robert Tramm, being first duly sworn on oath deposes and states as follows:

1) My name is Tom Robert Tramm. I am employed by Commonwealth Edison Company as a Nuclear Licensing Administrator. In that capacity, I have responsibility for coordination of licensing activities for the Byron Nuclear Power Plant now under construction by Commonwealth Edison Company.

2) In connection with my responsibilities for Commonwealth Edison Company, I have worked closely with our lawyers, Isham, Lincoln & Beale, in preparation for the hearings on the application of Commonwealth Edison Company before the Nuclear Regulatory Commission for a license to operate the Byron Station. I have been responsible, in part, for coordinating the efforts of Commonwealth Edison Company with Isham, Lincoln & Beale to prepare for hearings, to respond to discovery, to

initiate discovery and to negotiate with the Rockford Area League of Women Voters possible consolidation of contentions.

3) Sometime earlier this year, I was asked by Alan Bielawski, a lawyer with Isham, Lincoln & Beale to help him in preparing a proposed consolidation of the contentions filed by the Rockford League of Women Voters in the NRC operating licensing proceeding for Byron. Mr. Bielawski, with my assistance and the assistance of Leslie Bowen, an employee of Commonwealth Edison Company assigned to the Project Engineering Department, drafted a 40 page document which attempted to eliminate duplication of contentions and eliminate parts of contentions which contained issues rejected by the Licensing Board. I was later informed that this document had been forwarded to the offices of Mr. Myron Cherry for purposes of negotiating with the League a consolidation of issues.

4) On September 10, 1981, at the request of Mr. Paul M. Murphy, an attorney for Isham, Lincoln & Beale, I, Leslie Bowen, Jack Lavin, Ken Ainger, and Jim Westermeier, all employees of Commonwealth Edison Company, and Alan Bielawski and Paul Murphy, lawyers with Isham, Lincoln & Beale met in a conference room in the offices of Isham, Lincoln, & Beale to discuss consolidating contentions and outstanding discovery with Mr. Myron Cherry, the attorney representing the League in proceedings then pending before the NRC and the Illinois Commerce Commission. Mr. Murphy had requested that I attend that meeting for the purpose of describing to Mr. Cherry the

documents which would be available for his inspection and copying in connection with a discovery request initiated by the League in a proceeding pending before the ICC.

5) We waited approximately two and one-half hours for Mr. Cherry to arrive at the meeting. One of the first items of discussion was Mr. Cherry's reaction to the proposal of Commonwealth Edison Company to attempt to agree to a consolidation of the contentions which the League had filed before the Nuclear Regulatory Commission's Atomic Safety and Licensing Board assigned to conduct proceedings with respect to Edison's application for an operating license for the Byron Station. Mr. Cherry had a copy of the 40 page consolidation of contentions. Mr. Cherry stated that he absolutely rejected the concept of attempting to consolidate contentions, or in any other way limiting the issues. He stated that it was his intent to delay the Byron Plant as long as possible. He also stated that he would do so in a manner which would appear to have been caused by the lawyers at Isham, Lincoln & Beale. There was no question but that the proposal to consolidate contentions was completely rejected. In fact, when Mr. Cherry left the meeting at the end of the day, he did not even take with him the 40 page document entitled "Commonwealth Edison's Proposal on Consolidated Contentions".

6) Mr. Murphy then raised the question of when the League would be responding to Edison's outstanding interrogatories

which had been filed by Edison in the NRC Operating License Proceeding on Byron. Mr. Cherry stated that he would need the information he had requested in connection with a proceeding pending before the Illinois Commerce Commission before he could provide meaningful answers to the interrogatories. He stated that were he to answer without that information, the answers would not be very useful. Mr. Murphy stated that the two proceedings were separate and that discovery would be conducted independently. He stated that the League had been ordered by the Licensing Board to respond to Edison's interrogatories. Mr. Murphy insisted that Mr. Cherry either agree to answer the interrogatories or state categorically that he refused to answer the interrogatories. Mr. Cherry then stated that the League would answer the interrogatories. Mr. Murphy pressed him for a date, but Mr. Cherry refused to give a date. However, he did state that he would provide a date on which the League would respond to the NRC's interrogatories on Monday, September 14. At the conclusion of this discussion, it was clear that there had been no agreement whatsoever, to the effect that discovery in any proceeding pending before the Illinois Commerce Commission would be dependent or would in any way control the pace of discovery in the proceedings pending before the Nuclear Regulatory Commission on Edison's application for an operating license for the Byron Station.

7) The other matters discussed at the meeting dealt exclusively with discovery pending in a proceeding before the Illinois Commerce Commission.

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

Dated: November 23, 1981

Tom Robert Tramm
Tom Robert Tramm

SIGNED and SWORN
to before me this 23rd
day of November, 1981

Jessie M. Jones
Notary Public