

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Marshall E. Miller, Chairman
Dr. Richard F. Cole
Dr. Dixon Callihan

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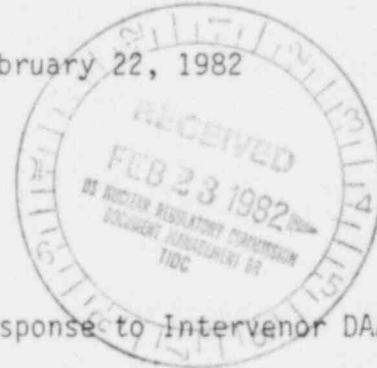
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In the Matter of
COMMONWEALTH Edison COMPANY
(Byron Station,
Units 1 and 2)

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

February 22, 1982



PROTECTIVE ORDER

On February 10, 1982, the Staff filed its response to Intervenor DAARE/SAFE's first round of interrogatories pertaining to DES discovery. The Staff noted that it was under no obligation to respond because the Intervenor had not complied with the provisions of 10 CFR §2.720(h)(2)(ii) regarding interrogatories to the Staff. These interrogatories were also not served in time to require a response prior to the deadline for DES discovery. Nevertheless, in the interest of expediting the proceeding, the Staff voluntarily provided certain responses.

The Staff also objected to the following interrogatories and requested a protective order directing that responses need not be filed, pursuant to 10 CFR §§2.740(c)(1) and (4):

Interrogatory No. 3

"In section 2 of the Byron DES, a 'conservative' estimate of growth of demand for Com-Ed electricity is stated as 2.4 percent

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a year. In the latest rate increase requested by Com-Ed they indicate the demand as growing by 2 percent per year. Please explain the discrepancy. How is this difference going to effect the figures cited in Table 2.6? If, in fact, there is a decrease in demand by 1.6 percent, how will this effect the figures of Table 2.6?"

Interrogatory No. 4

"In section 3, Alternatives, conservation was not even considered. Is there a reason for such an action?"

Interrogatory No. 5

"If Com-Ed were to embark on a vigorous campaign to encourage conservation among its customers, are there any forecasts as to the savings in electricity generated and costs? Please explain."

Interrogatory No. 6

"In filing the DES, was there any one major problem that concerned the Staff? Did the Staff have any question of the validity or reason to question the statistics that Com-Ed provided? Are all staff members that worked on the DES (or reviewed it) perfectly satisfied with the product? Were there any dissenting viewpoints expressed by Staff?"

Interrogatory No. 7

"Will a study be initiated on the psychological effects on the surrounding population if and when the Byron Nuclear Power Station is turned on? How would such a study be implemented?"

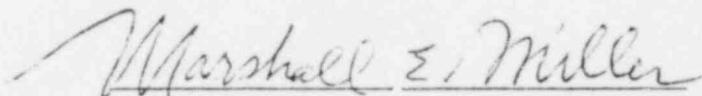
The objections to these interrogatories are sustained because they do not relate to matters in controversy. Rather, they seek information which is not relevant to the subject matter involved in this proceeding, and which is not reasonably calculated to lead to the discovery of admissible evidence (10 CFR §2.740(b)(1)).

The scope of discovery in operating license proceedings is limited to issues and matters in controversy raised in admitted contentions, and it does not extend to every subject discussed in the DES. No admitted

contentions of DAARE/SAFE deal with the need for power, energy conservation^{1/} or other alternatives to the operation of the Byrron nuclear facility. Nor are the subjects of psychological stress or "statistics" raised in any DAARE/SAFE contentions, and they are not matters in controversy in this proceeding. Accordingly, no responses are required by the Staff to DAARE/SAFE Interrogatories 3 through 7.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 22nd day of February, 1982.

^{1/}Indeed, DAARE/SAFE Contention 5, which attempted to raise the subject of demand for electricity and need for power, was denied admission in this proceeding by our Memorandum and Order entered December 19, 1980.