

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Peter B. Bloch, Chairman
Jerry R. Kline
Hugh C. Paxton

WISCONSIN ELECTRIC POWER COMPANY

Docket Nos. 50-266-OLA
50-301-OLA

(Point Beach Nuclear Plant, Units 1 and 2)

June 3, 1982

MEMORANDUM AND ORDER
(Concerning Reconsideration of Decision Concerning
Embrittlement Interrogatories)

SERVED JUN 04 1982

On May 3, 1982, Wisconsin's Environmental Decade, Inc. (Decade) moved for reconsideration of a portion of our Memorandum and Order of April 22, 1982, LBP-82-33. Decade argues that it was improperly denied discovery concerning embrittlement of the Point Beach Nuclear Plant's reactor vessel.

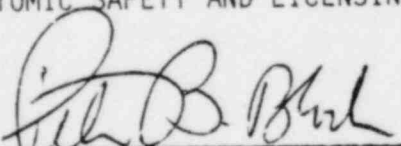
We have decided that Decade's motion should be denied for the reasons already stated in the challenged decision. In its motion, Decade also has requested that we suggest to it an effective avenue for redress for its concern. However, our prior decision already suggested such an avenue and we have no further helpful suggestions.

Decade also has argued that "every professional employee of the Commission has a solemn obligation to act to prevent a nuclear accident" and it implies that if the Board does not find a way to act favorably on its motion that it will have failed to live up to that obligation. We agree with the premise for this argument, that we have such a "solemn obligation", as employees of a representative government. However, our professional obligation is not a proper subject for motions filed in this proceeding, which is limited to the legal issues properly before us. We wish to assure Decade and the public that we are aware of this solemn obligation, but we also urge Decade, in the interest of conducting fair and efficient proceedings, that it limit its arguments to the issues properly pending before us.

Therefore, in consideration of the entire record, it is
ORDERED:

Wisconsin Environmental Decade's Motion for Reconsideration, filed on May 3, 1982, is denied.

FOR THE
ATOMIC SAFETY AND LICENSING BOARD


Peter B. Bloch, Chairman
ADMINISTRATIVE JUDGE

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