

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

2/27

In the Matter of )  
 )  
COMMONWEALTH EDISON COMPANY )  
 )  
(Byron Nuclear Power Station, )  
Units 1 and 2) )

Docket Nos. 50-454 OL  
50-455 OL

LEAGUE OF WOMEN VOTERS OF ROCKFORD, ILLINOIS' MOTION  
FOR DISCOVERY FROM THE NUCLEAR REGULATORY COMMISSION

The League of Women Voters of Rockford, Illinois ("League") moves the Presiding Officer, pursuant to 10 C.F.R. Sec. 2.718(f) and Sec. 2.720(h)(2)(ii) for the entry of an order requiring Nuclear Regulatory Commission personnel with knowledge of the facts to answer the Interrogatories directed to the Nuclear Regulatory Commission Staff by the League under date of March 12, 1980, which are attached hereto as Exhibit A and incorporated herein by reference as though specifically set forth, and which are being refiled again by this filing in accordance with ALAB-678.

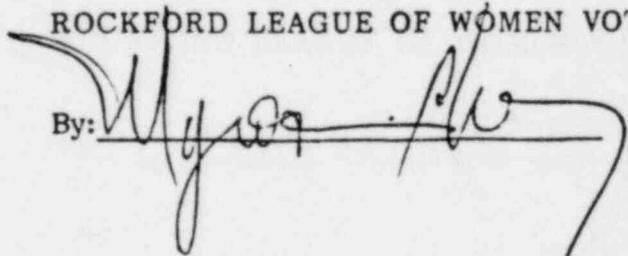
The grounds for this Motion are as set forth in the earlier Motion of the League which is incorporated herein by reference as if specifically set forth, and which is attached hereto as Exhibit B.

WHEREFORE, the League requests the entry of said Order and prompt disposition of this Motion.

Respectfully submitted,

ROCKFORD LEAGUE OF WOMEN VOTERS

Myron M. Cherry, p.c.  
Peter Flynn, p.c.  
CHERRY & FLYNN  
Three First National Plaza  
Suite 3700  
Chicago, Illinois 60602  
(312) 372-2100

By: 

DS 03

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
COMMONWEALTH EDISON CO.,	)	Docket Nos. STN
	)	
Byron Station	)	50-454 and 50-455
	)	
(Units No. 1 and No. 2)	)	Operating License

LEAGUE OF WOMEN VOTERS OF ROCKFORD, ILLINOIS'  
FIRST INTERROGATORIES TO NUCLEAR REGULATORY  
COMMISSION PERSONNEL WITH KNOWLEDGE

The League of Women Voters of Rockford, Illinois ("League") hereby requests, pursuant to 10 C.F.R. § 2.720(h)(2)(ii), that the following interrogatories be answered separately, in writing, and under oath, by one or more Nuclear Regulatory Commission ("NRC") personnel with knowledge of the facts. The information requested herein is necessary to a proper decision in this proceeding and the answers to these interrogatories are not reasonably obtainable from any other sources, inasmuch as they directly solicit the facts and opinions from the Regulatory Staff.

PLEASE OBSERVE the definitions and instructions contained in I below. These definitions and instructions are an essential part of these Interrogatories and have been provided to you in order to describe with reasonable particularity the information requested herein.

I  
DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall be used and applied by you in connection with your answer to these Interrogatories.

1. "Communication" shall mean and include all "documents" as hereinafter defined and all written, oral, telephonic or other inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, letters, notes, telegrams, advertisements, press releases, publicity releases, trade releases, and interviews.

2. As used herein, "document" includes, but is not limited to, written "communication" (as defined), in any form, papers, photographs, films, recordings, memoranda, books, records, accounts, communications, writings, letters, telegrams, mailgrams, correspondence, notes of meetings or of conversations or of phone calls, interoffice memoranda or written communications of any nature, recordings of conversations either in writing or upon any mechanical or electronic or electrical recording devices, notes, accountant's statements or summaries, budgets, exhibits, appraisals, work papers, reports, projects, tabulations, purchase orders, invoices, cancelled checks or check stubs, receipts, studies, surveys, legal opinions, affidavits, interrogatories, legal briefs, legal motions, judgments, complaints, legal complaints, answers, legal answers, counter-claims, vouchers, minutes of meetings, designs, drawings, plans, manuals, notebooks, worksheets, contracts, agreements, letter agreements, bills of lading, warehouse receipts, timesheets, promissory notes, diaries, desk calendars, circulars, charts, logs, ledgers, schedules, transcripts, news releases, advertisements, press books, advertising materials, publicity releases,

trade releases, press releases, teletype messages, licenses, permits, financial statements, appointment books, payment records, stenographers' notebooks, punchcards and computer printout sheets, computer data, telecopier transmissions, articles of incorporation, articles of association, by-laws, rules, expense records, criteria, regulations, directives, hotel charges, stock transfer books, proposals, prospectuses, offers, orders, logs, objections, brochures, films, pictures, video tapes, video cassettes, inquiries, contracts, evaluations, promotional material, production and sales or license material, whether formal or informal; and all drafts, revisions, and differing versions (whether formal or informal) of any of the foregoing, and also all copies of any of the foregoing which differ in any way (including handwritten notations or other written or printed matter of any nature) from the original.

3. The term "relate to" or "relating to" shall mean: consist of, refer to, reflect or be in any way logically or factually connected with the matter discussed.

4. The words "and," and "or" shall be read herein in the conjunctive or disjunctive or both, as the case may be, all to the end that the interpretation be applied which results in the more expansive answer.

5. If you claim privilege regarding (or advance any reason or objection for not providing) any information requested herein, please set forth with particularity all

underlying reasons therefor, and identify and maintain all related documents and communications for possible inspection and/or ruling by a Licensing Board or Court.

## II

### INTERROGATORIES

#### Interrogatory No. 1

Under date of March 10, 1980, the League filed its Revised Contentions in this proceeding. A substantial number of the contentions raised safety issues, applicable to Byron, which have been identified by the Nuclear Regulatory Commission Staff both generically and specifically as a result of many separate NUREGS and the Three Mile Island accident and subsequent investigations thereof. Generically by definition means applicable to all reactors (of a certain class, e.g., PWRs); yet often Commonwealth Edison and the NRC Staff take the circular position that one must prove that such "generic" issues apply to a power plant, even though the Staff has admitted they do, both specifically and by labeling the issue "generic". Moreover, other of these Revised Contentions raise substantial and important environmental issues.

In order to avoid any controversy and to avoid procedural arguments which tend to obscure the merits and seriousness of the request to license for operation the Byron Units, you are directed to provide the following information

in writing, under oath, and separately with respect to each Revised Contention set forth in the "Revised Contentions of Intervenor Rockford League of Women Voters" filed under date of, and served upon you on, March 10, 1980. Your answers shall specifically address itself to each of the 146 Revised Contentions and shall include the following information:

A. Separately with respect to each Revised Contention filed by the League under date of March 10, 1980, state in writing, under oath, and in specific detail:

(i) Do you agree that each Revised Contention is related or applicable to, in whole or in part, a consideration of continued construction and/or permission to operate each or both of the Byron Units? If your answer to this question with respect to any Revised Contention is yes, please explain your answer in detail. If your answer to this question is no with respect to any Revised Contention, please explain your answer in detail, including all factual and other reasons why you believe each such Revised Contention is unrelated or inapplicable to the Byron Units;

(ii) With respect to each "no" answer in (i) above regarding the Revised Contentions, state, answering in specific detail, whether it is your

position that the problem or issue raised by each such Revised Contention is totally inapplicable and unrelated to the Byron Units, in the sense that no consideration of any kind need be had concerning each such Revised Contention's relation or applicability to the Byron Units;

(iii) If any part of your answer to (i) or (ii) above relating to any Revised Contention is based in whole or in part upon the position that the subject matter of a Revised Contention is inapplicable (or unrelated) because (1) the subject matter has been considered at the construction phase hearing of the Byron Units; (2) the subject matter is barred from consideration at the operating hearings herein by a NRC regulation, rule, criteria, policy or convention; or (3) a Revised Contention has not specifically set forth a sufficient nexus (within the meaning of the River Bend Decision, ALAB-444, 6 N.R.C. 760 (1977)) regarding the Byron Units, then with respect to each such answer regarding each such Revised Contention, please also state in specific detail, giving reasons for your position:

(a) Regarding (iii)(1) above, have any facts or events occurred subsequent to the issuance of the construction permits herein, which present a sufficient ground for re-examining the subject matter of the Revised Contention at the operating stage herein;

(b) Regarding (iii)(2) above, what NRC regulation, rule, criteria, policy or convention bars consideration of the subject matter of the Revised Contention, and does there exist any reason for waiving the applicability of any such regulation, rule, policy, criteria or convention to this proceeding; and

(c) Regarding (iii)(3) above, what fact, opinion, or other analysis of which you are aware (specifically and in detail explaining such fact, opinion or other analysis) which can form the basis for a sufficient nexus to the Byron Units; in connection with your answer to this subpart, if you state you are unaware of any facts, opinions, or analyses which can form such nexus, please also state in detail whether you believe it is impossible, as a matter of scientific or environmental application, for any nexus to be supplied whatsoever.

Interrogatory No. 2

Please describe in specific detail each instance of which you have knowledge which relates to any deviation or non-conformity or change occurring or taking place since the issuance of the construction permits for the Byron Units (believed to be December 31, 1975), whether approved or nonapproved by any applicable authority (but in such case state whether approval has been requested of or granted by any such applicable authority) — by Commonwealth Edison Co. relating to the Byron Units in each or any of the following categories:

- A. The construction permit applications;
- B. The Construction permits;
- C. Actual Construction;
- D. Any commitment by Commonwealth Edison made, whether before or after issuance of the construction

permits, but in connection with construction;

E. Design or redesign of any safety related item;

F. Design or redesign of any non-safety related item;

G. Any rule, regulation, criteria, guide, convention, policy, or suggestion by the NRC or any component thereof;

H. Design bases and/or margins of safety;

I. Quality assurance or quality control;

J. Research and development programs which will be, have been, or are being conducted to resolve any safety or environmental questions;

K. The construction budget;

L. The total cost of construction (including all amounts spent in purchase of any item);

M. Any of the specific matters set forth in 10 C.F.R. § 50.34(b)(6)(7) and (9), and 10 C.F.R. § 50.34(d);

N. Any of the specific matters set forth in 10 C.F.R. § 50.55;

O. The financial qualifications of Commonwealth Edison Co.; and

P. The technical and managerial qualifications of Commonwealth Edison Co.

Interrogatory No. 3

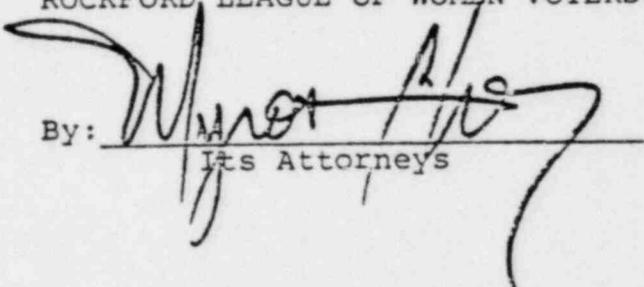
Identify with specific particularity (including dates, addressor, addressee and subject matter) each document and communication which you either:

A. Have consulted or in any way reviewed in connection with any of your answers to these interrogatories; and/or

B. Believe should be considered or reviewed in connection with any such answer,

in both cases specify also in detail which and in what manner each such document and communication relates to any of your answers herein.

ROCKFORD LEAGUE OF WOMEN VOTERS

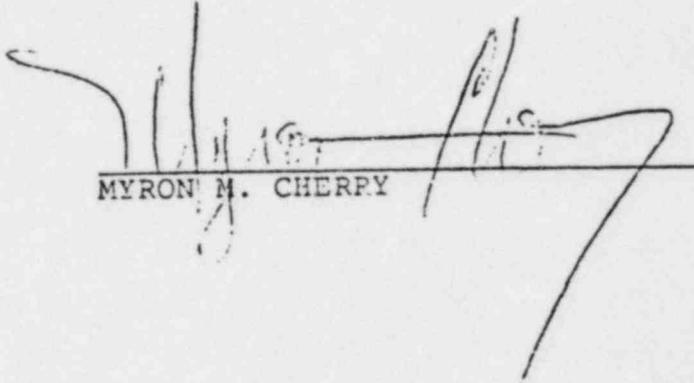
By: 

Its Attorneys

Myron M. Cherry  
CHERRY, FLYNN & KANTER  
One IBM Plaza  
Suite 4501  
Chicago, Illinois 60611  
(312) 565-1177

PROOF OF SERVICE

I certify that a copy of the foregoing was served, postage prepaid and properly addressed, on counsel of record, members of the Licensing Board, and the Secretary-Docketing Section of the United States Nuclear Regulatory Commission this 12th day of March, 1980.

  
MYRON M. CHERY

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
COMMONWEALTH EDISON CO.,	)	Docket Nos. STN
	)	
Byron Station	)	50-454 and 50-455
	)	
(Units No. 1 and No. 2)	)	Operating License

MOTION OF LEAGUE OF WOMEN VOTERS OF  
ROCKFORD, ILLINOIS, THAT PRESIDING OFFICER  
FIND THAT INTERROGATORY ANSWERS FROM THE  
NUCLEAR REGULATORY COMMISSION  
ARE NECESSARY, ETC.

The League of Women Voters of Rockford, Illinois ("League") moves the Presiding Officer, pursuant to 10 C.F.R. §§ 2.718(f) and 2.720(h)(2)(ii), for an entry of an Order requiring Nuclear Regulatory Commission ("NRC") personnel with knowledge of the facts to answer the interrogatories directed to the NRC Staff by the League under date of March 12, 1980, upon the grounds that the information is necessary to a proper decision in this proceeding and the information is not directly obtainable from any other sources, since the information sought is factual and opinion information in the possession of the Regulatory Staff.

The information requested of the Regulatory Staff (as well as the information requested of Commonwealth Edison Co. in Interrogatories also filed on March 12, 1980) is also

information without which this Licensing Board will not be able (1) to exercise its responsibilities in this proceeding to provide a fair, impartial and open hearing, or (2) to arrive at sound decision-making concerning the public health and safety and environmental issues raised by potential operation of the Byron Units.

Moreover, without the requested information the League will be severely prejudiced regarding its participation herein, which in turn would frustrate and emasculate the strong federal policy in favor of NRC action only after and upon public hearings where the public's rights (here in part represented by the League) to fair and impartial treatment and to unfettered participation is fostered and preserved. Additionally, the information requested herein will be invaluable to the Licensing Board (as well as the parties herein) in arriving at and framing the exact issues to be litigated and which ultimately will be subject to a Licensing Board decision. In a greater sense, the information requested herein will assist the Licensing Board immeasurably in discharging its duties in connection with the serious public health and safety issues raised herein.

Finally, since Licensing Boards, the NRC and the public at large rely heavily upon NRC Staff competence, there can be no sound administrative reason for not requiring the NRC Staff to provide the requested information, most if not all, of which the NRC Staff in the exercise of its regulatory

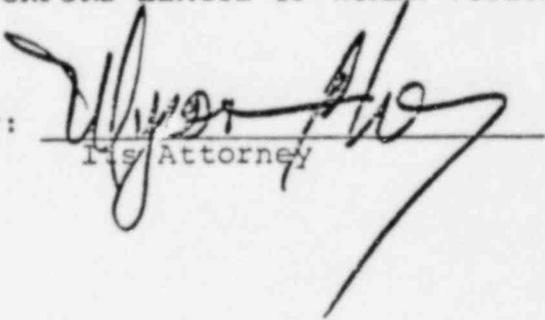
obligations has (or should have) already compiled in the event the NRC Staff is, in fact, exercising its obligations concerning these dockets.

WHEREFORE, the League requests the entry of an Order as first set out above.

Respectfully,

ROCKFORD LEAGUE OF WOMEN VOTERS

By:

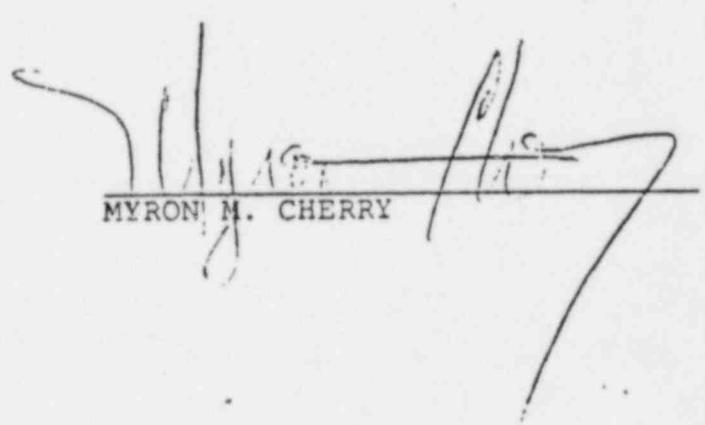
  
His Attorney

Myron M. Cherry  
CHERRY, FLYNN & KANTER  
One IBM Plaza  
Suite 4501  
Chicago, Illinois 60611  
(312) 565-1177

7087A

PROOF OF SERVICE

I certify that a copy of the foregoing was served, postage prepaid and properly addressed, on counsel of record, members of the Licensing Board, and the Secretary-Docketing Section of the United States Nuclear Regulatory Commission this 12th day of March, 1980.

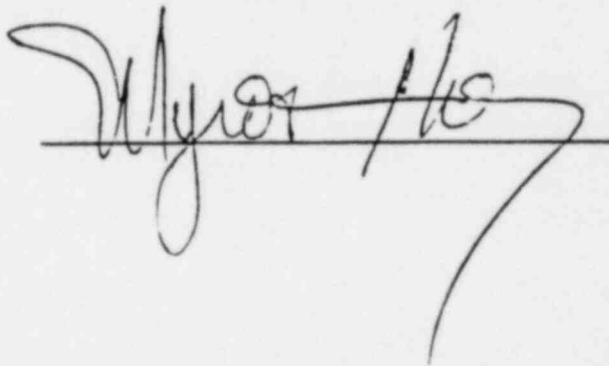


MYRON M. CHERRY

PROOF OF SERVICE

WPH

I certify that a copy of the foregoing Motion was served on each member of the Licensing Board by mail, postage prepaid and properly addressed, on June 24, 1982, and on the same date copies were mailed to counsel for the U. S. Nuclear Regulatory Commission Staff, counsel for Commonwealth Edison Company and the Secretary-Docketing Section of the U. S. Nuclear Regulatory Commission.

A handwritten signature in cursive script, appearing to read "Myron H. [unclear]", is written over a horizontal line. The signature is fluid and somewhat stylized, with a long, sweeping tail that extends to the right.