

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'82 AGO 31 P12:00

Before Administrative Judges:  
Morton B. Margulies, Chairman  
Dr. Richard F. Cole  
Dr. Dixon Callihan

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED AUG 31 1982

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

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

August 30, 1982

MEMORANDUM AND ORDER

Pursuant to an order of the Licensing Board of July 26, 1982, a prehearing conference was held on August 18 and 19, 1982 at Rockford, Illinois, for the purpose of identifying the contentions of intervenor DAARE/SAFE that will go to oral hearing and those that intervenor League will be permitted to litigate as well as establishing a procedural schedule for the captioned proceeding. The DAARE/SAFE contentions will be the subject of separate memoranda and orders. This will treat with the contentions the League will be permitted to litigate and the procedural schedule.

Applicant on July 15, 1982 filed a motion to strike certain admitted contentions of the League which was opposed in a response of the League of July 26, 1982.

The motion to strike contentions 14, 16, 17, 20, 21, 23-27, 29, 30, 31, 33, 35-38, 40, 43-46, 48-52, 55-60, 66-70, 72-76, 78, 80, 81, 83-87, 95, 97-100, 102-105, 107, 110, 113, 120, 122-124,

129, 134-137, 141-144, and 146 has been granted on the grounds the League failed to fully answer interrogatories pertaining to them. The Licensing Board was instructed by the Appeal Board in ALAB-678, decided June 17, 1982 (Slip op. at 43) to strike any contention for which an interrogatory is not fully answered. Contentions 114 and 132 were stricken as pertaining to financial qualifications and need for power or alternative energy sources, issues not litigable in operating license proceedings. See Licensing Board Memoranda and Orders of August 2, 1982 and August 5, 1982. The motion to strike Contentions 34 and 39 was denied because the answers to the interrogatories relating to them were sufficiently responsive, contrary to applicant's assertion. Subparts (f), (g) and (h) of Contention 109 were stricken because the answers to the interrogatories were unresponsive as to those subparts.

Applying the rulings to the League's admitted contentions left 23 remaining consisting of 1A, 8, 19, 22, 28, 32, 34, 39, 41, 42, 47, 53, 54, 61, 62, 63, 71, 77, 106, 108, 109 (except f, g, and h), 111, and 112. Many of the contentions are interrelated and overlapping. The League grouped them within 13 subjects, as follows: 1A, quality assurance, quality control; 8 and 62, Class 9 accidents and PRA; 19 and 108 emergency preparedness; 22, steam generator; 28 and 63, system interaction; 32, 61 and 77 environmental qualifications; 34 and 53, overpressure protection; 39, liquid pathways; 41, safety related water; 42, radiation exposure

to workers and 47, 71, 106; 109 (except f, g and h), seismic design; 54, PORV; and 111 and 112, radiation and ALARA.

In following the agenda of the conference, the parties next entered into a stipulation covering the scheduling of the proceeding. Although not binding on the Licensing Board, it has provided the bases for the procedural schedule which the Licensing Board has set as follows:

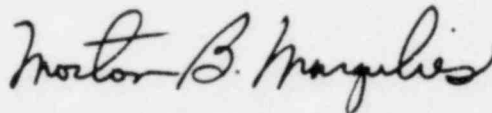
1. Discovery must be initiated by November 15, 1982.
2. Discovery initiated on or before November 15, 1982 will be concluded within thirty days of initiation.
3. All motions for summary disposition shall be filed on or before December 6, 1982 with responses due in accordance with Part 2 of Title 10 of the Code of Federal Regulations.
4. Prefiled testimony for evidentiary hearings shall be filed on or before February 15, 1983.
5. The hearing will commence on March 1, 1983 and will continue from day to day thereafter.
6. All parties, except the Staff, shall file proposed findings of fact and conclusions of law no later than 30 days after the record of hearing is closed and shall file rebuttal to the proposed findings and conclusions of any party, except the Staff, within 10 days thereafter.
7. The Staff shall use its best efforts to file its proposed findings and conclusions within 40 days after the record of hearing is closed.

8. The Board will endeavor to issue its orders and decisions as expeditiously as practicable for the purpose of assuring the parties a full, fair and timely hearing.
9. A prehearing conference will be held on October 14, 1982 to monitor the progress of discovery. The time and location of the conference is to be announced.

Filings to meet the above due dates are to be received by the dates given, if delivery is by hand, and by the date following, if by mail.

SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



Morton B. Margulies, Chairman  
Administrative Judge

Dated at Bethesda, Maryland  
this 30th day of August, 1982.