

March 24, 1983

David C. Thomas, Esq.
77 S. Wacker Dr., 6th Fl.
Chicago, Illinois 60606

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

Dear Dave:

This is to confirm our telephone conversation of this date concerning your motion to have the Board receive in evidence the transcribed copy of the diagram placed on the blackboard by Dr. Morgan during his testimony on March 10, 1983 (see Tr. 1636-40).

As I stated during discussion of your motion at the hearing on March 16, 1983 (see Tr. 2328-32), the Staff opposes your motion to the extent that it seeks to have the diagram received in evidence for all substantive purposes without limitation. We do not believe that the unconditional receipt in evidence of this diagram is appropriate given the circumstances of its presentation by Dr. Morgan, i.e., the abbreviated explanation it was given and the extremely limited opportunity for cross-examination on the diagram.

To assist in clarifying what may be a confusing record, I suggest one of the following two courses of action: The Staff would not oppose the Morgan diagram being marked for identification only and physically attached to the transcript for the convenience of the Board and parties. In this way, the diagram could be used by someone reading the record to understand better the oral testimony. An alternative way of achieving the same goal would be to have the Morgan diagram received in evidence for the limited and sole purpose of illustrating the oral testimony. In neither case could the Morgan diagram be cited or used for any point not specifically made in Dr. Morgan's limited discussion of the content of the diagram. The Staff does not object to either of these methods of making the Morgan diagram a part of the physical record of this proceeding.

I understand that you will be discussing this matter with Mike Miller before raising it again with the Board. While I do not expect to be at the hearings again until the liquid pathways contentions are heard,

8303250137 830324
PDR ADOCK 05000454
G PDR

DS07

Steve Goldberg is familiar with this matter and will be ready to discuss it with the parties or the Board as necessary.

Please do not hesitate to call to discuss the matter further.

Sincerely,

Richard J. Rawson
Counsel for NRC Staff

cc: Michael I. Miller, Esquire
Service List

OFC	: OELD	<i>0101</i>	: OELD	:	:	:	:	:
NAME	: R. Rawson: mh1	J. Gray	:	:	:	:	:	:
DATE	: 3/24/83	: 3/10/83	:	:	:	:	:	:

