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EDWARD S. ISHAM 1872 1902  
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RELATED CORRESPONDENCE

DOCKETED  
USNRC

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WASHINGTON, D.C. 20036  
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BY MESSENGER

June 19, 1984

Ms. Jane M. Whicher  
Business and Professional People for  
the Public Interest  
109 North Dearborn Street  
Suite 1300  
Chicago, Illinois 60602

Re: Commonwealth Edison Company  
(Byron Nuclear Station, Units 1 and 2)  
Docket Nos. 50-454 and 50-455

Dear Jane:

You have now sent me two letters, one at 5 P.M. Friday, June 15 and one at 5 P.M. on Monday, June 18, complaining about asserted defaults by us in responding to your discovery requests and apparently laying the groundwork for a motion by you to delay the hearings. The statements in your letters are misleading and contrary to oral understandings which you had with me and with Bruce Becker. You were informed that documents were available for your inspection when we were together at the prehearing conference in Rockford on May 30, 1984. You did not see fit to begin your examination of those documents until Monday, June 11. In addition, you have had numerous telephone conversations with Bruce Becker regarding the status of our preparation of the answers to your interrogatories. At no time did you indicate to Bruce

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that the absence of these documents would hamper your preparation for the hearing. As I told you in our conversation yesterday, the Company has made a good faith effort to be fully responsive to your interrogatories. To that end we have not answered interrogatories wholesale by referring you to documents which have been produced. Since many of your interrogatories asked for extremely detailed information, we have had to check a number of sources at Commonwealth Edison Company and Sargent & Lundy to make sure that the information is accurate and complete.

Your request that the Company file a formal response to your document request so that you will know that all documents have been produced is not required by the NRC's rules of practice. See 10 CFR § 2.741(d). I previously represented to you that the documents which have been available since May 30 constitute virtually all the non-technical documents responsive to your requests. My position regarding document requests which are not related to the scope of the issues as defined by the Licensing Board remains the same as when I first discussed this issue with you in May; that is, we object to the production of such documents (and answers to related interrogatories).


We have attempted to cooperate with you in every way possible. As you may recall, I orally described for you our witnesses and the general scope of their testimony following the conference call with the Board on June 8, 1984. I

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regard your letters as the first step in a transparent effort to stall this proceeding. It is particularly distressing to see that you apparently hope to continue to hold your options open with respect to the submission of pretrial direct testimony by a witness for the Intervenors without disclosing the name of that individual. The level of rhetoric should be lowered significantly so that we can all effectively prepare for a full and expeditious hearing, a goal to which you have previously subscribed.

Under separate cover, Bruce is sending you answers and objections to your first set of interrogatories. Informal answers to your second set of interrogatories will be forth coming later today.

Yours very truly,



Michael I. Miller

MIM:es

cc service list