

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'84 JUL 18 A11:16

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

Docket Nos. 50-456
50-457

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NRC STAFF'S STATUS REPORT AND
RECOMMENDATIONS REGARDING A PROPOSED SCHEDULE

In its June 8, 1984 Order, the Atomic Safety and Licensing Board ("Board") requested all parties to submit updated information to the Board regarding the status of contentions and to submit recommendations regarding a proposed schedule. The NRC Staff submits the following information in compliance with the Board Order.

Status of Contentions

Since the Special Prehearing Conference held on August 23, 1979 in which the Board ruled that Contentions 1 and 2 of Bridget Little Rorem et al. and Contentions 1, 3(a)-(c), 5, 7, 10 and 11 of Bob Neiner Farms would be admitted, consideration of 4, 8 and 9 be deferred and Contention 2 stricken, Contention 9 was withdrawn. As of this writing no new or amended contentions have been filed by the intervenors. The Staff believes that the Board should rule on the admissibility of Contention 4 since it was briefed and raised at the Special Prehearing Conference.^{1/}

^{1/} See Answer of Commonwealth Edison Company to the Contentions of Bob Neiner Farms, dated August 22, 1979; Special Prehearing Conference (FOOTNOTE CONTINUED ON NEXT PAGE)

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The Staff concurs with the Applicant suggesting that Contention 8 as written be withdrawn or included as part of Neiner Farms Contention 3 on emergency planning.^{2/}

Staff's Licensing Schedule

The schedule for issuance of Staff documents in this proceeding is as follows:

Safety Evaluation Report - issued November 1983

Supplement to Safety Evaluation - approximately January 1985

Draft Environmental Statement - issued December 1983

Final Environmental Statement - scheduled for early July 1984 but not yet issued

Schedule

Since the intervenors have not yet revised or amended their contentions it is difficult for the Staff to project the effect of these contentions on the time required for each step in the prehearing and hearing schedule. Given proposed fuel load dates for Braidwood Units 1 and 2 of August 1985 and August 1986 respectively. Notwithstanding the potential for delays in a schedule proposed prior to a Staff evaluation of the complexity of any revised or amended contentions, the Staff

(FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

1/ at Tr. 32-37 (August 23, 1979); Letter from Myron Karman to ASLB, dated September 12, 1979; Applicant's Supplemental Brief on Contention 4, dated September 13, 1979.

2/ Commonwealth Edison Company's Status Report and Motion to Establish a Hearing Schedule. June 27, 1984 at 2-3.

adheres to suggestions made in its October 2, 1982 filing to the Board^{3/} in which it proposed in relevant part that discovery should open upon issuance of the Board's Special Prehearing Conference Order on all contentions admitted by the Board and close 90 days after issuance of that Order.

Discovery related to information in the FES will most likely fall within this 90 day period since the FES is scheduled to be issued in early July.

A Prehearing Conference should be held within 60 days after discovery has been completed.

Motions for summary disposition should be filed not later than 30 days following the close of discovery.

Direct testimony should be filed 15 days before the start of the hearing. 10 C.F.R. § 2.743(b).

Applicant's proposed findings should be filed within 30 days of the close of the record; Intervenors proposed findings should be filed within 40 days of the close of the record; and the NRC Staff's proposed findings should be filed within 50 days of the close of the record. Applicant may reply within 5 days following the filing of the last filed proposed findings.

ASLB issues initial decision on issues in controversy in March, 1985.

Parties may file brief comments with the Commission concerning the immediate effectiveness issue, within 10 days after the Board's decision.

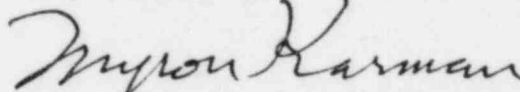
The Staff concurs with the Applicant's proposal concerning the number

^{3/} NRC Staff Response to the Licensing Board Order of October 1, 1982, October 20, 1982 at 6-8.

of days which should be allotted for responding to the Board's rulings and intervenor's filings. The Staff believes, however, that the time allocated for the filing of direct testimony would depend on the complexity of amended or revised contentions admitted by the Board.

The Staff believes that its proposed schedule is compatible with that proposed by the Applicant and urges the Board to rule on the admissibility of Contention 4 and proceed with a prehearing and hearing scheduling.

Respectfully submitted,



Myron Karman
Deputy Assistant Chief
Hearing Counsel

Dated at Bethesda, Maryland
this 9th day of July, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S STATUS REPORT AND RECOMMENDATIONS REGARDING A PROPOSED SCHEDULE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 9th day of July, 1984:

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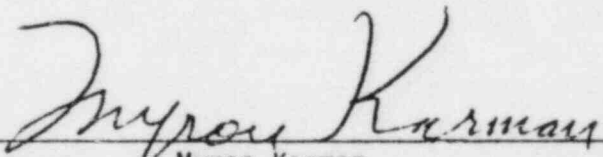
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