

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA MAR -4 A10:49
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE
BRANCH

In the Matter of:)	
)	
COMMONWEALTH EDISON COMPANY)	
)	Docket Nos. 50-456
(Braidwood Nuclear Power)	50-457
Station, Units 1 and 2))	

COMMONWEALTH EDISON COMPANY'S
STATUS REPORT

By Order dated January 10, 1985, the Atomic Safety & Licensing Board ("Licensing Board") requested all parties to submit recommendations regarding the status of contentions and any revisions thereto, a schedule for future activities in this proceeding and an updated appearance list. Information was also requested with respect to construction progress and fuel loading dates. The Order was later amended by Judge Miller when he requested counsel for the NRC Staff to seek an agreement of the parties with respect to the identification and wording of the contentions admitted by the Licensing Board and those pending for decision. The Licensing Board issued a further Order on February 6, 1985 extending the deadline for filing status reports to March 1 and directing the parties to confer with respect to such reports. Commonwealth Edison Company's ("Applicant") response to the Orders follows.

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Status of the Proceeding

The initiation of formal discovery in this proceeding awaits the issuance of the Special Prehearing Conference Order required by 10 C.F.R. § 2.751a. As a consequence, commencement of subsequent steps in the hearing process has not been possible. Applicant's efforts to get this case moving in early 1984 by stipulation among the parties failed because disparate interests did not permit compromise on matters concerning the hearing schedule and the admissibility of pending and revised contentions.

More recently at the Licensing Board's behest, a conference call was held on February 20, 1985, among the counsel for the NRC Staff, Applicant and Bob Neiner Farms, Inc., and Ms. Bridget Little Rorem. The matter of the admitted and pending contentions was discussed, and as indicated below, both intervenors revised and withdrew some contentions. Agreement was also reached with respect to the schedule proposed by the NRC Staff.

A conference call was also held on February 28, 1985, among Mr. Cassel and counsel for the Applicant and the NRC Staff. The matter of new contentions was discussed. Mr. Cassel indicated that he would be filing new contentions on behalf of Ms. Rorem. No agreement could be reached with respect to the admissibility of any new contentions.

Mr. Cassel stated that he would be filing a motion with the Licensing Board seeking the admission of new contentions.

Proposed Schedule

The construction of Braidwood Station, units 1 and 2 is 80% and 54% completed respectively. Fuel loading for unit 1 is projected for April 1986, and for July 1987 for unit 2.

The participants in the February 20 conference agreed to the hearing schedule set forth below: Ms. Rorem, however, reserved her position on schedule insofar as her interest is represented by Mr. Cassel. Thus, the agreed upon schedule does not include the time needed to litigate further contentions to be submitted by Mr. Cassel. However, during the February 28 conference call, it was agreed that the schedule for replies to Mr. Cassel's motion would be governed by the Commission's Rules of Practice. Applicant requests that the determination of the admissibility of any new Rorem contentions be conducted in parallel with the execution of the schedule listed below, and that any order addressing the admissibility of new contentions be the subject of an individual order so as to not delay the issuance of the Prehearing Conference Order.

Schedule

1. March 15, 1985 - Licensing Board issues its Prehearing Conference Order and discovery commences;
2. June 1, 1985 - 75-day discovery period ends (all time periods for discovery requests governed by the Commission's Rules of Practice);
3. July 1, 1985 - Deadline for filing motions for summary disposition; however, motions may be filed at any time prior to that date as provided for in 10 C.F.R. § 2.749;
4. July 31, 1985 - Deadline for filing replies to motions for summary disposition;
5. August 30, 1985 - Estimated target date for issuance of Licensing Board decision on motions for summary disposition;
6. September 16, 1985 - Deadline for filing testimony on post-summary disposition contentions;
7. October 1, 1985 - Hearings commence;
8. November 1, 1985 - Record closes;
9. December 28, 1985 - Period ends for the filing of all findings of fact and conclusions of law, including replies thereto (all time periods for filing findings, etc. governed by 10 C.F.R. § 2.754 except that an additional 6 days are factored into

the process to accommo-
date Christmas and New
Year's Day);

- 10. February 24, 1986 - Estimated target date of
Initial Decision issuance;
and
- 11. April 1986 - Projected fuel load date
for unit 1.

Status of Contentions

At a Special Prehearing Conference that was held on August 23, 1979, the Licensing Board admitted Contentions 1. and 2. submitted by Ms. Bridget Little Rorem. However, during the course of the telephone conference among the parties on February 20, 1985, Ms. Rorem stated she would withdraw Contention 2 and revise Contention 1 to limit the reach of her emergency planning concerns to 10 miles instead of the 25 mile zone presently set forth in the contention.

The Licensing Board also admitted Contentions 1, 3, 5-7 and 10-11 submitted by Bob Neiner Farms, Inc. Neiner Farms' Contention 2 was rejected and the Licensing Board deferred ruling on Contentions 4, 8 and 9. Contention 9 was later withdrawn. Counsel for Bob Neiner Farms, Inc. stated during the February 20, 1985, conference call that Contentions 5, 6, 10 and 11 would be withdrawn. Thus of the admitted Neiner Farm contentions, only Contentions 1, 3 and 7 remain as issues in controversy.

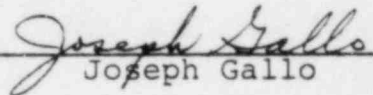
No ruling has issued to date with respect to the admissibility of pending Neiner Farms' Contentions 4 and 8. These contentions were discussed during the February 20, 1985 conference call; however, no agreement could be reached with respect to their status. The positions of the parties have been briefed and the matter is ripe for decision. ^{1/}

The foregoing summary is consistent with the stipulation among the parties that is attached to the Status Report being filed today by the NRC Staff.

^{1/} The parties' arguments concerning the admissibility of Contentions 4 and 8 are set forth in Applicant's August 22, 1979 "Answer of Commonwealth Edison Company to the Contentions of Bob Neiner Farms"; the August 23, 1979 Special Prehearing Conference, Tr. 31-39; NRC Staff Counsel's letter of September 12, 1979 to the Licensing Board; Applicant's Supplemental Brief on Contention 4, dated September 13, 1979; Neiner Farms' July 5, 1984 "Status of Contentions - Proposed Revisions and Amendments"; and "Commonwealth Edison Company's Response to Neiner Farms' Status Report Regarding Contention 4", dated August 9, 1984.

Notices of Appearances on behalf of the Applicant
have been filed by Messrs. Joseph Gallo and Victor Copeland
and Ms. Rebecca Lauer. These notices remain in effect.

Respectfully submitted,



Joseph Gallo

One of the Attorneys For
COMMONWEALTH EDISON COMPANY

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DATED: March 1, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-456
) 50-457
(Braidwood Nuclear Power Station)
Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of Commonwealth Edison's Status Report were hand-delivered to Judges Brenner and Cole; and that copies of said Report were served on the persons listed below whose names are marked with an asterisk by deposit in the United States mail, first-class postage prepaid, this 1st day of March, 1985.

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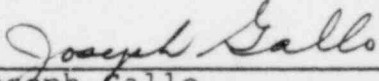
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