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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Lawrence Brenner, Chairman
Dr. A. Dixon Callihan
Dr. Richard F. Cole

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In the Matter of

COMMONWEALTH EDISON COMPANY

(Braidwood Nuclear Power Station
Units 1 and 2)

Docket Nos. 50-456 OL
50-457 OL

April 9, 1985

ORDER RULING ON ADMISSIBILITY OF NEINER CONTENTIONS 4 AND 8

The Board has determined that it will admit Neiner Contention 4 (railroad explosion) and reject Neiner Contention 8 (Part 100 population center distance) as issues in controversy. Accordingly, Neiner Contention 4 shall now be included in the discovery schedule which, as previously ordered, comes to a close on May 20, 1985. */ A special

*/ The end of discovery means that all responses must be in the hands of the requesting party by May 20, and all depositions must be completed by that date. Therefore, requests for discovery must be made in a time-frame and manner such that answers will be due by May 20. The Board expects that the parties realize that discovery in a finite time-frame is much more efficient when requesters and responders cooperate to their mutual advantage so as to achieve rapid transmission of documents, e.g., by electronic means or by hand delivery. The Applicant's (and its Counsel's) and the Staff's Chicago area offices

(Footnote Continued)

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prehearing conference order which sets forth the rationale for the Board's rulings on Neiner Contentions 4 and 8, among other things, will be issued shortly.

The affected parties (Neiner Farms, the Applicant and the NRC Staff) were informed of this order by telephone on April 8, 1985.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

Lawrence Brenner / s.m.s.
Lawrence Brenner, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
April 9, 1985

(Footnote Continued)

could undoubtedly serve as exchange and relay points. Cooperation in rapid delivery could achieve the difference that permits time for a follow-up round of discovery, if desired, within the overall allotted discovery period.

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COURTESY NOTIFICATION

As circumstances warrant from time to time, the Board will mail copies of its memoranda and orders directly to each party, petitioner or other interested participant. This is intended solely as a courtesy and convenience to those served to provide extra time. Official service will be separate from the courtesy notification and will continue to be made by the Office of the Secretary of the Commission. Unless otherwise stated, time periods will be computed from the official service.

I hereby certify that I have today mailed copies of the Board's "Order Ruling on Admissibility of Neiner Contentions 4 and 8" to the persons designated on the attached Courtesy Notification List.

Valarie M. Lane
Valarie M. Lane
Secretary to Judge Brenner
Atomic Safety and Licensing
Board Panel

Bethesda, Maryland

Attachment

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