

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 SEP 27 A10:50

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

Docket Nos. 50-4560L
50-457

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MOTION TO ESTABLISH
HEARING SCHEDULE AND
FOR OTHER RELIEF

Applicant, Commonwealth Edison Company, moves the Atomic Safety & Licensing Board ("Licensing Board") to enter an Order establishing the hearing schedule requested below and authorizing the early distribution of the emergency planning Booklet that is the subject of the testimony filed by Applicant on September 20, 1985. In support of the Motion, Applicant states:

1. The scheduled hearing date of about October 8 for the trial of Ms. Rorem's Contention 1(a) has been postponed by the Licensing Board. The time for filing testimony on Contention 1(a) was extended to October 11, 1985 based on yesterday's advice from Judge Grossman's secretary.

2. The Licensing Board has suggested October 30-31 and November 7-8 as alternative hearing dates. Neither timeframe is feasible for the Applicant. The Braidwood emergency planning exercise required by the Commission's regulations is set for November 6, 1985. Hence, the end of

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October timeframe suggested by the Licensing Board would interfere with preparations for the exercise since Applicant's witness and other support personnel would necessarily be involved in those preparations. The exercise itself and debriefing will not be completed until the close of business Thursday, November 7; and therefore, it is not feasible to hold hearings on November 7 and 8.

3. In view of the foregoing, the hearings on Contention 1(a) should be held either well in advance of the exercise or thereafter. Applicant and the NRC Staff prefer hearings to be held as early as possible in October, namely, October 21 and 22 in order to avoid conflicts with other milestones in the hearing schedule that is pending before the Licensing Board for approval. October 22 is suggested merely as a contingency date since it is expected that one day will be sufficient to hear Contention 1(a). Ms. Rorem should not be prejudiced by this proposed schedule since the NRC Staff filed FEMA's Statement of Position on September 12 and the Applicant filed its testimony on September 20, 1985.

4. Applicant is mindful that the ten-day interval between the October 11 filing date for testimony and the October 21 hearing date does not allow sufficient time for the prefiling of motions to strike and replies thereto and cross-examination plans. Applicant believes that in the circumstances any motions to strike should be moved, heard and decided on October 21. The prefiling of cross-examination

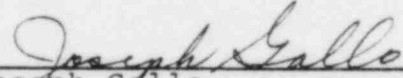
plans should also be dispensed with given the pro se appearance of Ms. Rorem.

5. Since Ms. Rorem's Contention 1(a) concerns, inter alia, the adequacy of the content and the distribution of the Braidwood emergency planning Booklet, Applicant is without authority to distribute the Booklet until the Licensing Board decides the matter. However, Applicant desires to distribute the Booklet in its present form prior to the emergency planning exercise in order to take advantage of the review opportunity provided by FEMA's participation in the oversight of the exercise. If this opportunity is missed, FEMA's review of this matter would have to await the next opportunity, April 1986. In short, Applicant is seeking the Licensing Board's approval to begin mail distribution of the Booklet on October 16, 1985 so that the approximately 12,000 copies will be in the hands of residents and facilities catering to transients in the Braidwood plume exposure pathway in advance of the November 6 exercise. Applicant, subject to its right of appeal, is prepared and hereby commits to implement whatever revisions or additions to the Booklet that may be required by the Licensing Board's decision with respect to Rorem Contention 1(a).

6. Counsel for the NRC Staff has no objection to either the hearing schedule or the early distribution of the Booklet subject to the commitment noted in Paragraph 5. Counsel has not been able to contact Ms. Rorem to obtain her views.

For good cause shown, Applicants' Motion to establish October 21 and 22 as the hearing dates to litigate Ms. Rorem's Contention 1(a) and to authorize early distribution of the Booklet should be granted.

Respectfully submitted,



Joseph Gallo
One of the Attorneys for
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Dated: September 26, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION TO ESTABLISH HEARING SCHEDULE AND FOR OTHER RELIEF were served by messenger on the persons identified below with a single asterik, by Federal Express on the persons identified with two asteriks and by deposit in the United States mail, first-class postage prepaid, on the remaining persons, this 26th day of September, 1985.

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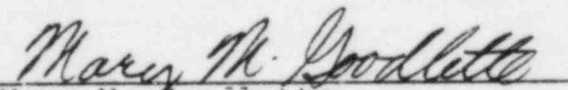
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