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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

DOCKETED
USNRC
Docket Nos. 50-4560L
50-457
'85 AUG -9 A10:57

OFFICE OF SECRETARY
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MOTION FOR LEAVE TO FILE
OUT-OF-TIME

Commonwealth Edison Company ("Applicant") through its counsel, moves the Atomic Safety and Licensing Board ("Licensing Board") to enter an Order permitting the filing and delivery of the attached "Statement of Position Regarding a Proposed License Condition" one day late. In support of the Motion, Applicant states:

1. The Licensing Board by its Order of July 16, 1985 sought the views of the parties with respect to a proper license condition that might be imposed in the event the Board were to grant Applicant's Motion for Summary Disposition on Neiner Farms' Contention 1, the 765 kV transmission line issue. The Licensing Board urged that the parties attempt to reach agreement on such a condition. August 6, 1985 was set by Board Order as the deadline for reporting agreement among the parties, or failing agreement, for furnishing the respective positions of the parties. Under the Board's Order, the appropriate pleadings were to be in the hands of the Board and parties by 5:00 p.m., August 6, 1985.

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2. The undersigned counsel, the attorney responsible for handling this issue on behalf of the Applicant was aware of the August 6, 1985 deadline. However, due to pre-occupation with the ongoing effort to respond to Intervenors' interrogatories by the August 9, 1985 deadline, counsel mistakenly thought until 3:30 p.m. CST, that Wednesday of this week was the sixth day of August. This misperception was not discovered in time to effect timely delivery of Applicant's Statement of Position. The foregoing is not offered as an excuse but rather as an explanation to assure the Licensing Board that the failure to file in a timely manner did not constitute a willful disregard of the Board's deadline. Counsel is, of course, mindful that vigorous adherence to the Board's deadlines is both expected and required.

3. The tardy filing should cause only a modest delay, if any, on the issuance of the Licensing Board's decision in this matter. Any such delay would not prejudice the position of any party; nor would any party be prejudiced by the grant of the Motion.

For the reasons stated, the Motion should be granted.

Respectfully submitted,

ISHAM, LINCOLN & BEALE

BY Joseph Gallo /lin
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COMMONWEALTH EDISON COMPANY

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Dated: August 7, 1985