926

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Herbert Grossman, Chairman
Dr. A. Dixon Callihan
Dr. Richard F. Cole

SERVED OCT 26 1985

In the Matter of	Docket Nos. 50-456-OL 50-457-OL
COMMONWEALTH EDISON COMPANY	ASLBP No. 79-410-03-OL
(Braidwood Station, Units 1 and 2)	October 25, 1985

MEMORANDUM AND ORDER
(Ruling on Applicant's Motion
to Strike Testimony)

M E M O R A N D U M

In conjunction with its motion to particularize Rorem Contention 1(a), as supplemented by its letter of October 2, 1985, Applicant has moved to strike a portion of Staff's testimony which it contends goes beyond the scope of the particularized contention it desires.

In our Memorandum and Order of October 18, 1985, we particularized Rorem Contention 1(a) to encompass all pre-accident public information programs, and excluded from its ambit a consideration of public

8511010481 851025
PDR ADOCK 05000456
Q PDR

D 502

notification measures to be taken at the time of an accident. We based our determination on Intervenor's failure to raise any issues during discovery or in prefiled direct testimony other than relating to pre-accident information dissemination to the public.

As Applicant requests in its motion to exclude testimony (at 3), we would not allow testimony pertaining to "advance arrangements for dissemination of information through the news media during an emergency." However, we did not further restrict the testimony to only the emergency information brochure. Consequently, to the extent that planned annual press briefings are to be utilized to further educate the public about emergency planning in the event of a radiological emergency, testimony about that function is admissible; to the extent they are utilized to establish in advance the principal points of contact with the news media for information dissemination during an emergency, the testimony is excludable.

ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 25th day of October, 1985

ORDERED

That the following phrase appearing at page nine (9) in Staff's proposed testimony of Gordon Wenger be excluded:

", and a continual flow of vital information to the public in the event of an emergency".

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

Herbert Grossman, Chairman
ADMINISTRATIVE JUDGE

October 25, 1985
Bethesda, Maryland