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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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In the Matter of:

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units
1 and 2)

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Docket Nos. 50-456 OL
50-457

MOTION IN THE ALTERNATIVE
BEFORE THE APPEAL BOARD

Intervenors Rorem, et al. have this day filed with the Licensing Board in this docket a Motion To Reopen The Record To Admit Late-filed Contention On Financial Qualifications. Copies of that Motion (and attachments) have been served upon the Appeal Board in this docket.

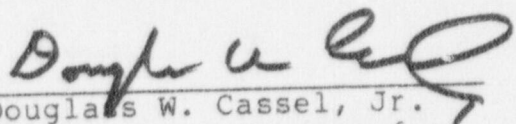
For the reasons stated at pp. 3-4 of that Motion, Intervenors believe that jurisdiction over that motion remains with the Licensing Board, even though it was filed after exceptions had been presented to the Appeal Board, because it concerns a matter not previously litigated before the Licensing Board. Cincinnati Gas & Electric (Zimmer), 18 NRC 640, 646, LBP-83-58 (1983).

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In the event, however, that it is determined that jurisdiction over the motion has passed to the Appeal Board, Intervenors, in the alternative, respectfully request the Appeal Board to grant the motion for the reasons stated therein.

Dated: July 1, 1987

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Douglass W. Cassel hereby certify that I caused copies of the foregoing Motion In The Alternative Before The Appeal Board to be served on all parties on the attached service list by depositing copies in the U.S. mail, first class postage prepaid this 1st day of July 1987, except that Ivan Smith, Esq., Chairman and Administrative Judge, Atomic Safety and Licensing Board was served by Federal Express on this same date.


Douglass W. Cassel, Jr.

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