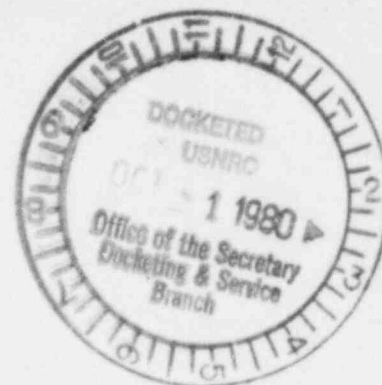


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Thomas S. Moore



_____)
In the Matter of)
_____)
DAIRYLAND POWER COOPERATIVE)
_____)
(La Crosse Boiling Water Reactor))
_____)

Docket No. 50-409 SC

SERVED
OCT 1 1980

ORDER

October 1, 1980

In its prehearing conference order entered yesterday in this show-cause proceeding involving the La Crosse nuclear facility,^{1/} the Licensing Board certified to us (at p. 21) the following question:

Under the July 29, 1980 delegation from the Commission, is it within our authority to consider the magnitude of the safe shutdown earthquake at the La Crosse site as part of our determination of whether a site dewatering system to prevent liquefaction must be designed and made operational on a specified schedule?

For the reasons developed at some length in the order (at pp. 15-20), that Board believes that consideration of the SSE magnitude issue is essential. Accordingly, it asks that,

^{1/} LBP-80-26, 12 NRC ____.

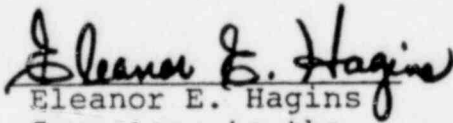
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should we conclude that its authority to do so is now lacking, we further certify the matter to the Commission with a recommendation that the Commission expand the Board's delegated authority to the "extent necessary to include the SSE issue". Id., p. 21.

We accept the certified question as formulated by the Licensing Board. 10 CFR 2.718(i). All parties to the proceeding shall file memoranda setting forth their views on that question no later than October 24, 1980.^{2/}

It is so ORDERED.

FOR THE APPEAL BOARD


Eleanor E. Hagins
Secretary to the
Appeal Board

^{2/} The memoranda should also address whether, assuming that the certified question is answered in the negative, we should pass the matter on to the Commission with the recommendation suggested by the Licensing Board.