

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

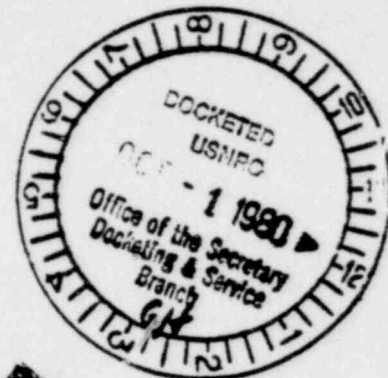
In the Matter of
DAIRYLAND POWER COOPERATIVE
(La Crosse Boiling Water Reactor

}
}
} Docket No. 50-409-SC
Prov. Op. Lic. DPR-45

NOTICE OF HEARING
(September 30, 1980)

On February 25, 1980 the Nuclear Regulatory Commission issued an order directing Dairyland Power Cooperative (Licensee) to show cause why it should not submit a detailed design proposal for a site dewatering system to preclude the occurrence of liquefaction under certain conditions, and why it should not make such system operational no later than February 25, 1981. The order was published in the Federal Register of March 3, 1980, 45 Fed. Reg. 13850. It provided that the Licensee or any other person whose interest may be affected by the order might request a hearing within 25 days of the date of the order.

Timely requests for a hearing were received from Mr. Frederick M. Olsen III, and from the Coulee Region Energy Coalition (CREC). In addition, the Licensee submitted a detailed answer to the show-cause order which, it claimed,



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satisfied the order; it requested a hearing if the NRC Staff should not agree with its answer.

By order dated July 29, 1980, published at 45 Fed. Reg. 52290 (August 6, 1980), the Commission delegated to a Licensing Board the authority to consider and rule on the requests for a hearing and, if it determined a hearing was required, to conduct an adjudicatory hearing.

On August 29, 1980 the NRC Staff advised the Licensing Board that it had changed its position and that it no longer believed that the design and installation of a site dewatering system was necessary to protect the health and safety of the public. By taking that position the Staff made moot the Licensee's conditional hearing request. At a prehearing conference held in La Crosse, Wisconsin on September 11, 1980, the Licensing Board granted the hearing requests of Mr. Olsen and CREC and it consolidated those two parties. These rulings are memorialized by the Licensing Board's Prehearing Conference Order dated September 30, 1980, LBP-80-26, 12 NRC _____.

Please take notice that a hearing will be conducted in this show-cause proceeding. The Atomic Safety and Licensing Board which has been designated to preside over this proceeding consists of Dr. George C. Anderson, Ralph S. Decker and Charles Bechhoefer, who will serve as Chairman of the Board.

During the course of the proceeding, the Board will hold one or more prehearing conferences pursuant to 10 CFR § 2.752. The public is invited to attend any prehearing conferences, as well as the evidentiary hearing. During some or all of these sessions, and in accordance with 10 CFR § 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his or her position on the issues. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available at various sessions. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

For further details, see the Staff's letter dated October 30, 1979 to the Licensee and enclosures 1 and 2 thereto; a Dames and Moore Report dated September 28, 1979, entitled "Liquefaction Potential at La Crosse Boiling Water Reactor (LACBWR) Site, near Genoa, Vernon County, Wisconsin;" the Licensee's letter to NRC dated November 29, 1979; the Staff's Order to Show Cause dated February 25, 1980; the Safety Evaluation by the Office of Nuclear Reactor Regulation relating to

Liquefaction Potential at the La Crosse site, dated August 29, 1980; and papers filed concerning the requests for hearing, including the Prehearing Conference Order Granting Requests for a Hearing and Certifying Question to Appeal Board, dated September 30, 1980, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Charles Bechhoefer
Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland
this 30th day of September 1980.