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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Charles Bechhoefer, Chairman
Dr. George C. Anderson
Ralph S. Decker

In the Matter of	)	
	)	
DAIRYLAND POWER COOPERATIVE	)	Docket No. 50-409-SC
	)	Prov. Op. Lic. DPR-45
(La Crosse Boiling Water Reactor)	)	

PREHEARING CONFERENCE ORDER
GRANTING REQUESTS FOR A
HEARING AND CERTIFYING
QUESTION TO APPEAL BOARD

(September 30, 1980)

On September 11, 1980, a prehearing conference was held in La Crosse, Wisconsin, to consider hearing requests with respect to the show-cause order issued by the NRC Staff on February 25, 1980.[1/] That order directed 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, which was published

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1/ The conference was first announced by our Memorandum and Order of August 5, 1980. Notice of the time and location of the conference was issued on August 22, 1980 and was published in the Federal Register of August 28, 1980 (45 Fed. Reg. 57613).

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in the Federal Register of March 3, 1980 (45 Fed. Reg. 13850), provided an opportunity for the Licensee and other interested persons to request a hearing.

Timely requests for a hearing were received from Mr. Frederick M. Olsen III, a resident of La Crosse, Wisconsin, and from the Coulee Region Energy Coalition (CREC), an organization headquartered in La Crosse which is actively participating in the on-going full-term operating license proceeding involving the La Crosse reactor and which also actively participated in the recent spent-fuel-pool expansion proceeding involving this reactor. In addition, the Licensee submitted a detailed answer to the show-cause order which, it claimed, satisfied the order; it requested a hearing if the Staff should not agree with its answer.

By Order dated July 29, 1980, the Commission delegated to this Licensing Board the authority to consider and rule on the requests for a hearing and, if we determined a hearing is required, to conduct an adjudicatory hearing.[2/] By Memorandum and Order dated August 5, 1980, we invited the Licensee and NRC Staff to respond to the hearing requests of Mr. Olsen and CREC. (We stated that no response to the Licensee's petition was necessary inasmuch as, should the Staff continue to believe

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[2/] The Order was published at 45 Fed. Reg. 52290 (August 6, 1980).

that a site dewatering system should be designed and installed, the Licensee would have a right to a hearing under 10 CFR § 2.202(c).)

In its August 29, 1980 response, the NRC Staff changed its position and indicated 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. That response included a copy of a letter from the Director, Office of Nuclear Reactor Regulation, NRC, to the Licensee indicating that Dairyland had "shown adequate cause" why it should not design and install a site dewatering system. In making this finding, the Staff made moot the Licensee's conditional hearing request. The Staff also claimed that the showings of interest or standing advanced by CREC and Mr. Olsen were each deficient, but it recommended that the petitioners be provided an opportunity to amend their requests for a hearing to cure the deficiencies. The Licensee took the position that, as a result of the change in the Staff's position, both hearing requests should be denied and the proceeding terminated forthwith.

The Licensee, the NRC Staff, CREC and Mr. Olsen each appeared at and participated in the prehearing conference. At that conference, we announced that CREC's and Mr. Olsen's requests for a hearing were granted, and that an expedited discovery schedule should be followed. The Board also raised an issue of its own (the size of the safe-shutdown earthquake (SSE) to be considered in this proceeding) and, at the Licensee's

request, agreed to certify to the Appeal Board the question whether we could hear that issue in this show-cause proceeding. In this opinion, we will deal in Part I with our reasons for granting the hearing requests. Part II includes our certification to the Appeal Board of the SSE question.

I.

A. Before considering the petitioners' standing, we turn first to the Licensee's argument that the proceeding should be terminated as a result of the Staff's change of position. The Licensee states that the concerns of the NRC Staff which prompted the show-cause order have been resolved; that it has "shown cause" to the satisfaction of the NRC Staff why it should not be required to design and install a site dewatering system; and that, in effect, the show-cause order has been withdrawn. The Licensee also refers to what it perceives as the Commission's policy in enforcement proceedings of holding hearings only sparingly and, when held, narrowly confining the issues in such proceedings (citing Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438 (1980), and Wisconsin Electric Power Co. (Point Beach, Unit 1), Order dated May 12, 1980). Finally, the Licensee asserts that the Staff has authority to modify or rescind a show-cause order (citing Consumers Power Co. (Midland Plant, Units 1 and 2), CLI-73-38, 6 AEC 1082 (1973)), to issue orders to licensees under 10 CFR § 2.717(b), and to enter into a stipulation for the settlement of the proceeding under 10 CFR § 2.203.

The Staff does not disagree that, insofar as it is concerned, the Licensee has satisfied the terms of the show-cause order. Nor does it dispute that it has authority in certain circumstances to modify or rescind a show-cause order, to issue orders to licensees under 10 CFR § 2.717(b), or to enter into a stipulation pursuant to 10 CFR § 2.203. But it questions whether it has authority to terminate this proceeding given the outstanding hearing requests (Tr. 14-15). The Staff takes the position that the requests for a hearing should be judged on the basis of whether the petitioners have shown that their interests would be affected if the proceeding has one outcome versus another--in this case, either the imposition or non-imposition of certain license conditions (Tr. 15-17).

As announced at the conference (Tr. 17), we agree with that position. Absent a formal proceeding, the staff clearly has authority to rescind or modify or reach a compromise with respect to a show-cause order. But once a notice of opportunity for hearing has been published and a request for a hearing has been submitted, the decision as to whether a hearing is to be held no longer rests with the Staff but instead is transferred to the Commission or an adjudicatory tribunal designated to preside in the proceeding--in this case, to this Board.

The situation is analogous to that which confronted the Commission in the Midland proceeding, CLI-73-38, supra.

There, an order to show cause had been issued, and it was made immediately effective (resulting in a suspension of certain construction activities). An opportunity for hearing was provided. Before any requests for a hearing were filed, the Staff modified the show-cause order to lift the immediate effectiveness of the order and permit the resumption of the construction activities which had been suspended (although still requiring the licensee to show cause why certain conditions should not be imposed on its construction permit). Several petitioners asked the Commissioners to prohibit the resumption of construction pending completion of the show cause proceeding. The Commission declined to do so, reasoning that the Staff had authority to modify the show cause order. The Commission emphasized, however, that "the modification of the show cause order did not foreclose consideration at the hearing on any of the issues framed by the initial show cause order." 6 AEC at 1083 (emphasis supplied). It explained:

> Should the licensee or any interested person request a hearing, the matter will be heard and determined not by the Director [of Regulation], but by a licensing board. If the petitioners nevertheless believe that the Director has prejudged this matter, they can, by requesting a hearing, transfer the decisional authority from him to a licensing board.

Id. at 1084. Those petitioners later requested a hearing, and the request was granted. CLI-74-3, 7 AEC 7 (1974).

The Licensee attempts to distinguish the Midland decisions on the basis that the show-cause order had not been entirely withdrawn at the time the Commission granted the hearing request. While that is true, we judge the crucial time to be that when a notice of opportunity for hearing is published. If a timely hearing request is then filed, the petitioner can contest all matters put into issue by the notice (even though, as in Midland, the original proponent of the show-cause order has changed its views with respect to all or a part of such order). The decisional authority is then transferred from the staff to the adjudicatory tribunal.

Since that situation prevails in this case, we must reject the Licensee's position. Mr. Olsen's and CREC's petitions for intervention must be judged under the standards governing such petitions in show-cause proceedings. We turn now to whether those petitions (as supplemented at the prehearing conference) are adequate for us to grant party status to either petitioner.

B.1. In order to be admitted as a party in this show-cause proceeding, a petitioner must first demonstrate that it has an interest which may be affected by the proceeding--i.e., that it has standing to participate. 42 U.S.C. § 2239(a); 10 CFR §§ 2.714(a) and (d). To determine a petitioner's standing the

Commission applies judicial concepts of standing, in enforcement as in other licensing proceedings. Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438 (1980); Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976). To satisfy the test for standing, a petitioner must demonstrate "that the outcome of the proceeding threatens one (or more) of its interests arguably protected by the statute being administered"--in this case, the Atomic Energy Act, under which the show-cause order was issued. Houston Lighting and Power Co. (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644, 646 (1979); Pebble Springs, CLI-76-27, supra, 4 NRC at 613-14.

A petitioner which is an organization may meet the "injury-in-fact" requirement by demonstrating injury to one or more of its members. But to establish such representative standing, the organization must identify one or more members and demonstrate how these members may be injured by the outcome of the proceeding. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 389-400 (1979).

Neither petition before us, standing alone, included sufficient information for us to judge whether the petitioner has standing. CREC's petition merely stated that CREC's interest "is obvious" inasmuch as the show-cause order was issued as a response

to the motion filed by its representative seeking relief pursuant to 10 CFR § 2.206. But that motion also included no information concerning CREC's standing; and, as the Staff points out, there are no "interest" requirements requisite to the filing of a 10 CFR § 2.206 petition. As for Mr. Olsen, the only information in his petition bearing upon his standing was his address, in La Crosse, Wisconsin.

As stated earlier, the Staff recommended that we provide the petitioners an opportunity to cure the defects in their petitions. (The Staff noted that neither the Commission's rules nor the Order to Show Cause specifies the extent to which the petitioners should set forth the basis for their hearing requests.) In addition, as we pointed out at the prehearing conference with respect to CREC (Tr. 8), the Commission has been quite lenient in not requiring "overly formalistic" statements of standing in show-cause proceedings when the petitioner seeking a hearing has previously participated in other proceedings involving the same reactor. See Midland, CLI-74-3, supra, 7 AEC at 12. We accordingly decided to permit both petitioners to supplement their petitions at the prehearing conference.

CREC provided the name and address of one of its members (Mr. Mark Burmaster) who had asked the organization to represent it in this proceeding (Tr. 19, 20). Mr. Burmaster

was in attendance at the prehearing conference, and he stated that he lives 9 miles from the plant, that "[i]f there was an earthquake and the plant was not stable, then [he] would be affected by the radioactive releases", and that he "would want the dewatering system to increase the safety" (Tr. 20, 21).[3/] For his part, Mr. Olsen stated that he lives 19 or 20 miles from the plant (Tr. 28) and that, if a dewatering system were not installed, he would become "very anxious" because of possible releases that might occur as a result of an earthquake which produced liquefaction (Tr. 29). He added that he would be "hurt in the event of an earthquake" and would suffer "physical damage caused by radioactive releases from the plant" (Tr. 31, 32).

In proceedings involving license applications, the Appeal Board has ruled that a petitioner who resides or is employed in geographic proximity to a reactor site, and who has expressed concerns over reactor safety or environmental impact, can be fairly presumed to have an interest which might be affected by construction or operation of a reactor. See, e.g., Gulf States Utilities Co. (River Bend Station, Units 1 and 2), ALAB-183, 7 AEC 222, 226 (1974); South Texas, ALAB-549, supra, 9 NRC at 646, fn. 8. The same is true in a license amendment proceeding regarding the expansion of a spent fuel pool, where

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3/ Ms. Anne Morse, who we are aware is a member of CREC, stated that she had been authorized to represent CREC in this proceeding (Tr. 18).

the Appeal Board stated that "close proximity has always been deemed to be enough standing alone, to establish the requisite interest." Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NRC 54, 56 (1979). Persons located as far as 40 or 50 miles from a reactor site have been deemed to have an interest in a proceeding involving that reactor. Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-107, 6 AEC 188, 193 (1973) (40 miles); Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418, 1421 n. 4 (1977) (50 miles).

Under those standards, CREC (9 miles) and Mr. Olsen (20 miles) clearly would have an interest in this proceeding. The Staff, after listening to the petitioners' supplemental statements, acknowledged as much (Tr. 24, 32). The Licensee, however, took a differing view. It claimed that, as a result of Commission decisions such as Marble Hill, CLI-80-10, supra, requirements for standing are stricter in show-cause proceedings than in the usual licensing proceeding and that neither CREC nor Mr. Olsen has satisfied those stricter standards.

In our view, the Licensee is misreading Marble Hill. In that decision, the Commission merely narrowed the scope of issues which could be heard in show-cause proceedings. It did not tighten the standing requirements for persons wishing to litigate issues properly within the scope of such proceedings.

As noted by the Staff (Tr. 15), Marble Hill involved a confirmatory order in which the licensee had agreed to the remedy proposed by the Staff in the show-cause order. The Commission held that the only matter which could be litigated was whether that remedy should be imposed--not whether some additional remedy was warranted. That being so, a petitioner who assertedly was injured only by the failure to impose an additional remedy was held not to have standing, inasmuch as that petitioner had not shown that it would be injured by a potential result of the proceeding. But within the narrowed scope of issues which can be heard in a show-cause proceeding, no more stringent standing requirements are imposed.

CREC and Mr. Olsen each indicated that they wish to litigate the issues raised by the show-cause order--i.e., whether a dewatering system should be designed and installed to eliminate the effects of liquefaction. They claim they would be injured by the radiation which would be released in the event of an earthquake causing liquefaction if such system were not installed. (Whether such radiation would actually be released is not a matter which we can decide at this time. River Bend, ALAB-183, supra, 7 AEC at 225-226.) They accordingly have established that they may be affected by, and hence have standing to participate in, this proceeding.[4/]

4/ Because we have determined that CREC and Mr. Olsen have standing of right, we need not reach whether they should be accorded discretionary standing. See Pebble Springs, CLI-76-27, supra, 4 NRC at 614-617.

2. For a petitioner to be admitted to a proceeding, it must also assert at least one viable contention. 10 CFR § 2.714(b). The show-cause order has defined the only two contentions which may be litigated in this proceeding, and the petitioners have stated either through their intervention petitions or at the prehearing conference that they wish to litigate those contentions. As a basis, the petitioners rely on the December, 1978 study by the U.S. Army Engineer Waterways Experiment Station (WES study).[5/] Moreover, the petitioners have specified certain matters falling within these broad contentions about which they particularly wish to inquire (Tr. 35-38, 42). Neither the Licensee nor the Staff objected to the adequacy of contentions at this time (although they reserved the right to file summary disposition motions following the completion of discovery) (Tr. 60-62).[6/] For these reasons, we hold that the petitioners have adequately satisfied the contention requirement and that they should be granted a hearing and admitted as parties to the proceeding.

5/ Although the conclusions of the WES study have since been modified, we cannot now determine the sufficiency of either the WES study or its modification. Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542 (1980), review declined, Commission Order dated June 20, 1980.

6/ The Board ruled out as contentions the matters stated in paragraphs 3-7 of Mr. Olsen's petition, as beyond the scope of this proceeding (Tr. 34).

As stated at the conference, the interests of the two intervenors are sufficiently similar to warrant their consolidation as parties (cf. 10 CFR § 2.715a). CREC and Mr. Olsen agreed to be consolidated, and we accordingly ordered such consolidation (Tr. 64-65).

C. After discussion with the parties, we established the following discovery schedule (with discovery not to include at this time the matter discussed in part II of this opinion) (Tr. 65-66):

a. Discovery requests to be filed by October 2, 1980.

b. Answers to be filed by October 20, 1980.

c. Summary disposition motions to be filed by November 5, 1980.

d. Answers to summary disposition motions to be filed by November 24, 1980.

If the Licensee or Staff decide not to file summary disposition motions, we request that they advise us as soon as possible.

II.

At the prehearing conference, the Board raised an issue which it believes should be litigated in this proceeding--the size of the safe shutdown earthquake (SSE) which enters the computations as to whether liquefaction is a problem at the La Crosse site. Each of the intervenors also sought to put related questions into controversy (Tr. 36, 37, 42). The Licensee (supported by the Staff) took the position that the show-cause order treated the SSE as a "given" and hence that its magnitude could not be explored in this proceeding. Because of the differences in opinion concerning our authority to consider this matter, and the importance which we attach to this issue, we agreed to certify to the Appeal Board the question whether we could explore it.

Under 10 CFR Part 100, Appendix A, a reactor must be designed to withstand the effects of a SSE, so that certain structures, systems and components will remain functional. Appendix A, Part VI(a). The plant's design must also take into account the possible effects of the SSE on the facility foundations by ground disruption, including liquefaction. Ibid. Under these provisions, the adequacy of the protection against liquefaction depends in large part on the accuracy of the selection of the SSE.

A SSE has never been approved for the La Crosse reactor. The provisions of Appendix A requiring selection of a SSE and

design of a plant to withstand the effects of a SSE were not in effect in 1963 or 1967, when construction and provisional operating authorizations, respectively, for the La Crosse facility were acted upon. As part of its application for a full-term operating license, however, Dairyland submitted a "Seismic Evaluation of the La Crosse Boiling Water Reactor", dated January 11, 1974, which advocates a SSE with a ground acceleration of 0.12g at the site. See Seismic Evaluation, Part 1, § 2.4, p. 28. See also Application for Operating License, October 9, 1974, Book 1, § 4, par. 1.1.2.

In its safety evaluation prepared in connection with the show-cause order, dated August 29, 1980, the Staff utilized an earthquake producing peak ground acceleration of 0.12g to evaluate the potential for liquefaction (SER, p. 6). The SER stated that there was "general agreement" between the Staff and Licensee that "the earthquake loading at the La Crosse site can be conservatively characterized as a magnitude 5 to 5-1/2 event at a distance of less than 25KM with a peak ground acceleration of 0.12g and an equivalent duration of 5 cycles" (id., pp. 2-3, footnote omitted) and that the Staff had concluded that those seismic parameters are "adequate and conservative" for evaluation of the liquefaction potential at the La Crosse site (id., p. 3). Nonetheless, the Staff acknowledged in its August 29, 1980 response to the requests for a hearing that it had not yet established a

SSE value for LACBWR but "has used the 0.12g figure as a benchmark from which the potential liquefaction problem has been evaluated" (p. 2, fn. 1).

We are aware of no analysis other than that appearing in the Licensee's January 11, 1974 "Seismic Evaluation" which would support the selection of a 0.12g figure for the SSE ground acceleration. In its August 29, 1980 SER, the Staff provides no analysis for its conclusion that the 0.12g figure is "adequate and conservative." It may be that the intervenors' desire to litigate the SSE issue in this proceeding stems only from the absence of a previous determination of this question by anyone other than the Licensee. The Board's conclusion that this question should be litigated in this proceeding, however, arises from a much more concrete foundation. In the proceeding involving the Tyrone reactor (Docket No. STN 50-484), the site of which is apparently less than 100 miles from La Crosse, the Staff selected a SSE with a ground acceleration of 0.20g. See Tyrone SER (NUREG-75/102, dated October 1975), § 2.5.2. The applicant in that case had selected a SSE with a 0.14g ground acceleration, but the Staff disagreed. Following the tectonic province approach of Appendix A (see part V, par. (a)(1)(ii)), it evaluated an intensity MM VII-VIII earthquake which occurred near Anna, Ohio, in 1937, as if it had occurred at the Tyrone

site, and it derived its 0.20g ground acceleration from that process.7/

La Crosse appears to be less distant from the Anna, Ohio earthquake epicenter than is Tyrone. Moreover, the MM VII-VIII Anna earthquake is considerably more severe than the magnitude 5-5 1/2 event utilized by the Staff in its August 29, 1980 SER. The Board believes that these circumstances make determination of the SSE essential to a proper evaluation of the potential for liquefaction at La Crosse, and whether installation of a dewatering system to prevent liquefaction is necessary. We note that the December, 1978 WES study which first perceived that a liquefaction problem at La Crosse might exist analyzed liquefaction in the event of earthquakes producing both 0.12g and 0.20g ground acceleration at the site. It found liquefaction to present a problem at both levels, though much more so in the event of the earthquake resulting in 0.20g ground acceleration. The July 1980 WES study, which found liquefaction to be no longer a problem in the event of 0.12g ground acceleration, apparently did not analyze the likelihood of liquefaction in the event of an earthquake producing 0.20g ground acceleration (at least insofar as we are aware).

7/ The magnitude of the SSE was not a contested issue at the construction permit hearings. The Licensing Board approved the Staff's analysis. Northern States Power Co. (Tyrone Energy Park, Unit 1), LBP-77-30, 5 NRC 1197, 1205-06 (1977), affirmed (without reference to seismic matters), ALAB-464, 7 NRC 372 (1978).

The Licensee and Staff assert that the assumed 0.12g SSE is a "given" under the show-cause order and that, in accordance with the Marble Hill rule, we cannot examine the size of the SSE in this proceeding. (Both admit that the issue may be examined by us in the operating license proceeding; since that proceeding must await completion of the Staff's SEP program, the issue is not likely to be ripe for hearing in that proceeding until 1982.) In our view, however, the issue may well be within the scope of our delegation of authority from the Commission in this proceeding.

Under the Commission's July 29, 1980 delegation to us, the issues we may consider must only be within the "scope" of the show-cause order. The size of the SSE is certainly within that scope, since it is a necessary ingredient of a liquefaction analysis. Indeed, the study underlying the show-cause order analyzed liquefaction in the event of both a 0.12g and 0.20g earthquake--and since liquefaction was found to be a problem in both events, it was logical and conservative to write the show-cause order in terms of the lesser 0.12g event. Moreover, we must determine whether a dewatering system should be designed and installed on a given schedule, but we cannot do so without reference to a particular SSE. Finally, it is inappropriate in our view to assume a 0.12g SSE when the SSE for a close-by site has been determined to be 0.20g, at least without an explanation of why this difference exists.

The Licensee has advised us of a study which determines that ground acceleration of 0.10g is sufficient for the SSE at La Crosse (Tr. 50). That may well be so--we are not here deciding that 0.10g, 0.12g, 0.20g, or any other value should serve as the SSE ground acceleration. All we are determining is that there is sufficient reason to question the adequacy of the 0.12g ground acceleration to warrant exploration of the magnitude of the SSE as part of our determination with respect to whether there is a need to design and install a site dewatering system. It would be anomalous for us to decide that there is no danger of liquefaction in the event of an earthquake with 0.12g ground motion, when the real SSE turned out to produce ground motion of 0.20g. Similarly, it would be just as anomalous for us to determine that liquefaction could result from ground motion of 0.12g, if the SSE would produce only 0.10g maximum ground motion. For that reason, we believe it is important in the interest of producing an adequate record on liquefaction, and the necessity for a dewatering system, for us to have the authority in this show-cause proceeding to ascertain (rather than to assume) the SSE for this reactor.

Because of the uncertainty concerning our authority to consider this issue, we agreed to certify that question to

the Appeal Board. We certify the following question:[8/]

> 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?

If the Appeal Board should decide that we have authority to determine the size of the SSE in this show-cause proceeding, we will admit that issue into controversy in this proceeding. (At that time, we will establish a discovery schedule for this issue.) If the Appeal Board decides to the contrary, we request a further certification to the Commission, with a recommendation that our delegated authority in this show-cause proceeding be expanded to the extent necessary to include the SSE issue.

For the reasons set forth in Part I, CREC's and Mr. Olsen's requests for a hearing are granted. A Notice of Hearing in the form of the attachment to this Order is being issued. A discovery schedule as outlined in Section I.C of this opinion is adopted.

The question in Part II is hereby certified to the Atomic Safety and Licensing Appeal Board.

8/ In connection with this certification, the Appeal Board's attention is directed to Tr. 42-55.

Part I of this Order is subject to appeal to the Atomic Safety and Licensing Appeal Board in accordance with the provisions of 10 CFR § 2.714a. Any such appeal must be filed within ten (10) days after service of this Order. For further details, see 10 CFR § 2.714a(a) and (c).

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Charles Bechhoefer

Charles Bechhoefer, Chairman

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