

NRC PUBLIC DOCUMENT ROOM
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
DAIRYLAND POWER COOPERATIVE) Docket No. 50-409
(La Crosse Boiling Water Reactor)) (SFP License Amendment)

ORDER

1. In our Memorandum and Order of October 16, 1978, we established a prehearing schedule in which discovery was to be completed no later than November 15, 1978 and motions for summary disposition, if any, were to be filed no later than November 27, 1978. The order also provided that discovery requests reflecting new information appearing in the Staff's Safety Evaluation Report (SER) or Environmental Impact Appraisal (EIA) were to be filed within 10 days after issuance of those documents (which at the time was anticipated as occurring about November 15, 1978).

By letter dated October 27, 1978, the Staff advised us and the parties that the SER and EIA had been significantly delayed and that the Staff's review would not be complete until early or mid-January, 1979. The Staff suggested that we accordingly might wish to modify the

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date we previously fixed for the filing of summary disposition motions.^{1/} No party has responded to this suggestion.

Our previous schedule contemplated that the SER and EIA would be issued prior to the final date for filing motions for summary disposition. We see no reason to alter that sequence. Moreover, the date for filing summary disposition motions should follow the last date on which discovery requests respecting the SER and EIA might be filed, so that, in considering summary disposition, we can have the benefit of knowing whether any party is seeking clarification or background with respect to any aspect of the SER or EIA. With that in mind, the following revised schedule is adopted:

- (1) Discovery requests reflecting new information appearing in the SER or EIA shall be filed within 10 days after service by the Staff of each of the documents.
- (2) Motions for summary disposition under 10 CFR §2.749, if any, shall be filed no later than 15 days after

^{1/} On November 17, 1978, the Staff filed a formal motion to this effect, seeking an extension until January 31, 1979, of the date for filing summary disposition motions. Although this Order was prepared prior to our receipt of the Staff's motion, nothing in that motion causes us to modify the result which we previously reached.

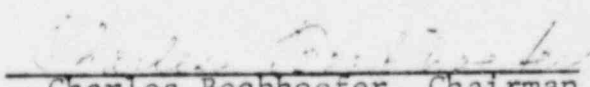
service by the Staff of the SER
and EIA.

We will establish a schedule for the filing of written testimony in the evidentiary hearing as soon as practicable after the filing of the SER and EIA. We anticipate the hearing to commence approximately 45 days after the final date for filing of motions for summary disposition (possibly earlier if no such motions are filed).

2. On October 27, 1978, the Applicant filed a motion for an order compelling the Intervenor, Coulee Region Energy Coalition (CREC), to respond to interrogatories dated September 29, 1978. On November 6, 1978, CREC filed such a response. The Applicant's motion is accordingly dismissed as moot.^{2/}

IT IS SO ORDERED.

THE ATOMIC SAFETY AND LICENSING BOARD


Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland,
this 21st day of November, 1978.

^{2/} The "NRC Staff Request for Completion and Clarification of CREC Answers to Interrogatories," filed November 15, 1978, appears to call for no action by this Board.