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February 28, 1994

B. Paul Cotter, Jr. Chairman, Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C.

Dr. Peter S. Lam Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

> Re: In the Matter of Gulf States Utilities Company (River Bend Station, Unit 1) Docket No. 50-458-OLA - 3

Gentlemen:

With reference to the letter you received earlier today representing the views of the parties to the above-referenced proceeding on a trial schedule, Cajun Electric Power Cooperative, Inc. ("Cajun"), generally concurs in the descriptions contained therein and, with one exception, in the proposed trial schedule.

Cajun writes to the Board separately to address the need for filed written rebuttal testimony in this unique proceeding. As the attached proposed trial schedule reflects, Cajun requests a date for the filing of written rebuttal testimony two weeks after the date each party files its case-inchief testimony. The hearing would commence two weeks later.

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Washington, D.C.

Board

P. Paul Cotter, Jr. Dr. Richard F. Cole Dr. Peter S. Lam February 28, 1994 Page 2

Written rebuttal testimony will clarify the issues for the Board. In the experience of counsel for Cajun, written rebuttal testimony will provide the Board with a clearer view of the matters in dispute, as well as the factual support each party relies upon in its presentation.

Written rebuttal testimony will shorten the time required for the hearing. It will eliminate the need for oral rebuttal testimony. Written rebuttal testimony should also shorten the time required for cross-examination, since witnesses would have the opportunity to address the opposing party's case in their written rebuttal testimony. Moreover, because each witness will be available for cross-examination, the Board will have the opportunity to assess each witness' demeanor and credibility at the hearing.

Written rebuttal testimony will lengthen the schedule by only two weeks. This is a small price to pay in exchange for the benefits outlined above. Given the small number of parties, written rebuttal testimony will not unduly burden the record.

Additionally, the Commission's Regulations do not preclude the use of written rebuttal testimony before the Board. Written rebuttal testimony in this case is consistent with 10 C.F.R. § 2.752, since it will expedite the presentation of evidence by clarifying the issues and shortening the time required for a hearing. Provision for written rebuttal testimony is within the authority of the Board, pursuant to 10 C.F.R. § 2.757.

If the Board desires, Cajun is available at the Board's convenience to discuss this matter further.

Sincerely,

Thomas L. Tudelingel

James D. Pembroke Thomas L. Rudebusch

Counsel for Cajun Electric Power Cooperative, Inc.

cc: Service List

CAJUN'S PROPOSED TRIAL SCHEDULE

| Discovery opens | January 27, 1994 |
|---|---|
| Period for oral deposition begins | May 30, 1994 |
| End of discovery (all responses in hand) | June 30, 1994 |
| Motions for summary disposition served | July 18, 1994 |
| Answers to motions for summary disposition served | August 15, 1994 |
| Response by opposing parties to any answer in support of motion | August 30, 1994 |
| Filing of testimony (in hand) | 3 weeks after Board ruling on motions for summary disposition |
| Filing of rebuttal testimony (in hand) | . weeks after filing of case-in-chief |
| Hearing begins | 15 days after filing rebuttal testimony |