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PROD. & UTIL. FAC. 50-409

United States Senate

March 14, 1980

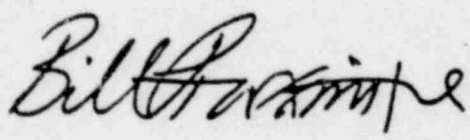
To ensure proper handling please return all
correspondence TO THE ATTENTION OF:

Ruth Fleischer

Respectfully referred to:

Congressional Liaison
Nuclear Regulatory Commission
Washington, D.C.

Please respond to the attached inquiry in
duplicate and return the enclosure. Thank
you for your cooperation.



U.S.S.



NRC

February 26, 1980

DOCKET NUMBER **50-409**
PROD. & UTIL. FAC.

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The Honorable William Proxmire
United States Senate
Washington, D.C. 20510

Dear Senator Proxmire:

Enclosed for your consideration is a copy of a letter recently sent Harold Denton, Chief of Nuclear Reactor Regulation for the Nuclear Regulatory Commission, outlining the position of the Coulee Region Energy Coalition on the matter of the location of future meetings between the NRC and Dairyland Power Cooperative relating to the Genoa nuclear reactor.

Hopefully, this explanation of the circumstances surrounding the cancellation of the January 11, 1980 meeting in Washington which we attempted to attend will be helpful in conveying to you our sense of frustration and anger over such unconscionable behavior on the part of Dairyland. One wonders what topics for discussion were so sensitive as to warrant exclusion from a public hearing before citizens and the press. Whatever the reasons, however, as local citizens and coop members wishing to effectively participate in the debate over nuclear power, we can not afford to travel at our own expense to Washington to attend meetings that may be cancelled at the last minute at the whim of utilities like Dairyland Power.

Also enclosed is an editorial from yesterday's La Crosse Tribune which addresses the issues of openness and accessibility and their relation to the nuclear debate. It may well be that Dairyland has once too often arbitrarily acted to cut off public participation in this debate.

Most disheartening of all is the fact that the NRC accepted, without further inquiry, the very weak reason Dairyland gave for cancellation of the meeting. Clearly, the NRC wants to believe that Dairyland would not act to preclude public debate. I, however, am not so optimistic.

With these facts in mind we must inevitably ask, who is ultimately responsible for overseeing the activities of Dairyland Power Cooperative in the public interest? It is our hope that you too appreciate the need for and desirability of holding future meetings relating to the Genoa reactor in La Crosse, where interested individuals can observe for themselves the activities of their member-owned utility.

Thank you for any assistance you can lend us in this matter.

Sincerely,

Anne K. Morse

Anne K. Morse
for the
Coulee Region Energy Coalition



February 10, 1980

Mr. Harold Denton
Chief, Nuclear Reactor
Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Denton:

This letter is to inform you of some very disturbing events that have occurred in the past few weeks with regard to Dairyland Power Cooperative of La Crosse, WI and its activities relative to the operation of the Genoa nuclear facility. As concerned area citizens we feel that Dairyland Power, with your cooperation, was able once again to successfully preclude our legitimate participation in a matter that bears directly on our health and well-being.

As I am sure you are aware, a meeting scheduled for January 11, 1980 in Washington between the licensee, NRC technical staff and yourself to consider "a phase-out of the lifetime of LACBWR" was cancelled at the last minute. Consistent with the NRC policy outlined over a year ago as to the desirability of informing intervenors of all meetings which relate to the concerned reactors, and not simply meetings regarding ex parte matters, staff counsel Colleen Woodhead informed us on Tuesday, January 8 of the abovementioned meeting scheduled for the following Friday.

After concluding that this meeting was of sufficient import to warrant personal attendance, the Coulee Region Energy Coalition agreed to provide funds for the transportation of the intervenors to the January 11th meeting. Able only to afford automobile transportation, Mark B. Aster, George Nygaard and I left for Washington the following evening.

That our intended presence at the meeting was objectionable to Dairyland is all too clear, as evidenced by a Thursday a.m. call to Woodhead from Dairyland's counsel, O. S. Hiestand. Mr. Hiestand was obviously disturbed that staff counsel had informed the intervenors of the scheduled meeting. At no time during this conversation did Mr. Hiestand suggest that the meeting might be cancelled. Not until Thursday p.m. did Dairyland inform Jim Shea of the NRC staff that Dairyland intended to cancel the meeting scheduled for the following afternoon.

As you can see by the accompanying article, Dairyland offered two reasons for cancelling the meeting. In looking back over the circumstances surrounding such cancellation, it is incomprehensible to us that the "official" reason given, i.e. the issuance by the ASLB of the decision on expansion of LACBWR's SFP, was in fact the most significant reason. Woodhead had informed DPC's counsel as early as

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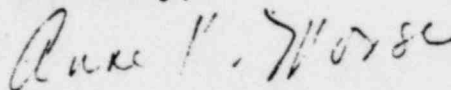
Tuesday that the ASLB decision would be out before the meeting on Friday. Clearly, the issuance of the decision caught no one by surprise, and especially Dairyland. Thus, we are left to inevitably conclude that Dairyland, in the high-handed fashion that so often has characterized its dealings with intervenors and other local citizens, believes that it can take lightly the much-touted "openness policy" that the NRC professes to follow. In this instance citizen participation was all too effectively thwarted.

At this time we feel that it is incumbent upon the NRC to take some action, if only to make clear to all that the NRC does, in fact, regulate the utilities, rather than merely following their lead.

It is our position that henceforth any and all meetings between Dairyland and the NRC relating to LACBWR be held in La Crosse, where those most affected by the operation of LACBWR are afforded the opportunity to participate and inform themselves on the issue. Both the local press and interested individuals have heretofore been singularly unable to obtain from Dairyland an unguarded and accurate assessment of the on-going status of the facility. It is just this paucity of information that leads directly to mistrust and suspicion on the part of those who attempt to inform themselves.

We look forward to your response on our request as to the location of future meetings. Within our organization sentiment is such that could not be more frustrated with Dairyland and the way in which it has chosen to respond to local citizen participation.

Sincerely,



Anne K. Morse
for the
Coulee Region Energy Coalition

AKM/akm
Encl.

cc / Honorable William Proxmire, U.S. Senator
Honorable Gaylord Nelson, U.S. Senator
Honorable Al Baldus, U.S. Representative
Mr. Stanley York, Chairperson, Wisc. PSC

Dairyland meeting with NRC postponed

La Crosse Tribune

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Founded in 1904

Keep open debate on nuclear power

The need for open discussion and debate on nuclear power has never been greater.

And efforts of anti-nuclear activists to get the Nuclear Regulatory Commission to hold more of its meetings and hearings in La Crosse could result in positive benefits to all citizens and consumers — no matter if they support or oppose nuclear power.

At issue, of course, is the future of Dairyland Power Cooperative's nuclear plant at Genoa. The NRC's Atomic Safety and Licensing Board last month approved Dairyland's request to expand its spent fuel storage facilities at Genoa. But Dairyland is still operating the plant on a provisional license. Its request for a full operating license is still pending.

A frequent complaint heard from the utility industry is the public's lack of knowledge about nuclear power. This source of power deserves the closest possible public scrutiny, and holding more hearings in La Crosse instead of Washington could help that end.

When it made its decision on the spent fuel expansion, the Atomic Safety and Licensing Board had this to say about the need for public awareness:

Faced with such strongly-held differences of opinion, it is important to resolve the questions in a public forum, unless clearly prohibited by applicable rules. The

Atomic Energy Act designates the public adjudicatory hearing as such a forum. It provides a unique vehicle for obtaining answers in public to controversial questions ... Nuclear power is sufficiently controversial that its problems or apparent problems must be dealt with and resolved on the merits in full view of the public.

Last month Dairyland officials planned to travel to Washington to get some information from the NRC. The trip was canceled at the last minute, primarily because the NRC said the meeting would probably not produce the information Dairyland sought.

But another factor in Dairyland's decision not to go to Washington was the fact that members of the Coulee Region Energy Coalition were driving to Washington to attend the meeting. The presence of nuclear opponents at the meeting would have reduced it to a "state of disarray," according to one Dairyland official.

Dairyland needs access to the NRC, and the public is not entitled by law to sit in every time a Dairyland official seeks an answer to some question from the NRC. But at the same time, the public needs access to those NRC meetings and hearings that are open to the public.

Holding more meetings and hearings in La Crosse would ensure that nuclear power gets the full public debate that is needed.

By DAVID STOEFFLER
Of the Tribune Staff

A meeting between Dairyland Power Cooperative and the Nuclear Regulatory Commission on the future of the Genoa nuclear power plant has been postponed.

The meeting, which was to be today in Washington, D.C., was postponed at the request of Dairyland following notification Thursday that the plant had received permission to expand the capacity of its used fuel storage well.

A need to assess the expansion's effect on the plant's future played a part in calling off the meeting. But also entering into the decision were doubts by Dairyland officials that they were prepared enough for a meeting that could be attended by newsmen and by members of the Coulee Region Energy Coalition, a La Crosse-based anti-nuclear group.

Three members of the coalition planned to attend the meeting, leaving Wednesday night to drive to Washington, D.C.

According to Richard Shimshak, Genoa plant superintendent, the presence of these people and newsmen at the meeting may have obstructed the purpose of the meeting, that being for Dairyland to get some answers from the NRC about what financial demands are going to be placed on the plant.

"We would not have the meeting brought to a state of disarray by the presence of the intervenors who have an adamant and arrogant view" about the condition of the Genoa plant.

But Shimshak said, one NRC official had warned that Dairyland would not find the answers it was looking for anyway, because it was not presenting any plans — just seeking answers.

As a result, Shimshak said Dairyland is considering other methods of pursuing the information.

At this point, he said Dairyland will probably prepare a letter presenting specific ideas on the plant's future and additions that might be needed.

Then a meeting could be held with the NRC on the items in the letter.

Shimshak said that the letter would become public, and although that might cause some

with the intervenors over the plant.

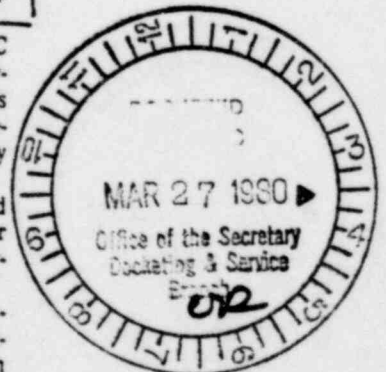
He said that hearings are demanding in terms of staff time that must be devoted to preparing for them and attending them, and that past hearings have been "very discouraging" as far as public opinion towards the plant.

Dairyland has until Tuesday to convince the NRC that there are no problems with seismic conditions at the plant.

If Dairyland's consultants and experts cannot show the NRC that there is no danger of an earthquake causing damage to the plant, then the NRC will issue an order that will force Dairyland to pursue costly earthquake prevention measures.

If the NRC issues that order, it also may mean there will be a public hearing on the issue.

La Crosse
Tribune
1/11/80



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