

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



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

APPLICANT'S ANSWER TO
REVISED CREC CONTENTIONS

Dairyland Power Cooperative (Dairyland), the Applicant for a full term operating license in the above-captioned proceeding, hereby submits its answer to the revised environmental contentions submitted by the Coulee Region Energy Coalition (CREC) dated September 19, 1978. In support of this answer, Dairyland states as follows:

1. In accordance with the request of the Licensing Board made at the August 17, 1978 Prehearing Conference, the parties to this proceeding (Dairyland, the NRC Staff, and CREC) met in La Crosse, Wisconsin on September 8, 1978 in an attempt to reach agreement concerning the admissibility of the environmental contentions which CREC had previously filed in this proceeding. As noted in the September 12, 1978 letter from counsel for the NRC Staff to the Board, the parties were able to reach

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agreement on the admission of CREC's revised environmental contentions Nos. 9, 19, and 22. ^{*/}

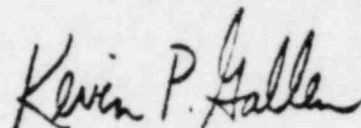
2. Since the parties were unable to reach agreement on the remaining CREC environmental contentions (i.e., Nos. 2, 6, and 8), the parties agreed that CREC could submit its reworded versions of these contentions to the Board. CREC subsequently submitted revised versions of Contention Nos. 2 and 8.

3. For the reasons stated in its original answer to Contentions 2, 6, and 8 and during the course of the pre-hearing conference, Dairyland objects to the admission of these contentions. Moreover, Dairyland specifically objects to that portion of revised Contention No. 2 which addresses the health and safety impacts associated with off gas levels at LACBWR on plant employees. CREC's original Contention No. 2 only addressed the impacts on the general public associated with off gas emissions. As a result, revised Contention No. 2B constitutes an untimely attempt by CREC to expand the

^{*/} A stipulation by the parties concerning the admissibility of certain contentions cannot, of course, expand or narrow the scope of a Licensing Board's organic statutory and regulatory jurisdiction or the scope of the proceeding itself. Pursuant to this stipulation, Dairyland agreed to withdraw its earlier objections to the admission of these contentions. See e.g., Applicant's Answer To CREC Petition For Leave To Intervene (May 13, 1978); (Tr. 179-200). However, if these contentions are admitted by the Board, Dairyland reserves the right to seek to dispose of these contentions prior to hearings in accordance with the appropriate procedures set forth in the Rules of Practice. E.g., 10 CFR § 2.749.

scope of its original contention and should be denied for this reason as well.

Respectfully submitted,

for 
D. S. Hiestand
Attorney for
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Of Counsel

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Dated: September 29, 1978

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CERTIFICATE OF SERVICE

Service has on this day been effected by
personal delivery or first class mail on the following
persons:

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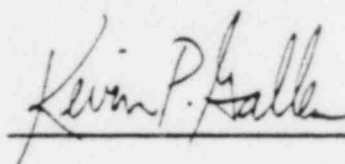
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Dated: September 29, 1978