

June 20, 2012

Mr. W. L. Berg
President and Chief Executive Officer
Dairyland Power Cooperative
3200 East Avenue South
P.O. Box 817
La Crosse, WI 54602-0817

SUBJECT: LA CROSSE BOILING WATER REACTOR - ISSUANCE OF EXEMPTION
FROM CERTAIN SECURITY REQUIREMENTS OF 10 CFR 73.55
(TAC NO. J00388)

Dear Mr. Berg:

The Commission has granted Dairyland Power Cooperative, the licensee for LaCrosse Boiling Water Reactor, the enclosed exemption from certain requirements of 10 CFR 73.55.

The Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest based on the reduced radiological risk to the public from an ISFSI at a permanently shutdown, defueled reactor. Therefore, the Commission hereby grants Dairyland Power Cooperative an exemption from the 10 CFR 73.55(a)(1) requirement to implement the revised rule by March 31, 2010; 10 CFR 73.55(b)(3)(i) requirement to interdict and neutralize threats; 10 CFR 73.55(b)(6) requirement to demonstrate and assess effectiveness of LLEA who serve as armed responders; 10 CFR 73.55(b)(9)(ii)(A); 10 CFR 73.55(i)(5)(ii); and 10 CFR 73.55(k)(6)(i). With regard to the exemption from the implementation date of March 31, 2010, the date to implement the 10 CFR 73.55 requirements shall correspond with issuance of this exemption.

Other requirements from which you requested exemptions were determined to either not be applicable to your facility or are being met by your current program, therefore, an exemption was denied. The enclosed NRC staff Safety Evaluation Report articulates the basis for granting and denying your specific exemption requests.

Part of this licensing action meets the categorical exclusion provision in 10 CFR 51.22(c)(25)(vi)(F), because it is an exemption from the requirements of the Commission's regulations and (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans. Therefore, the part of the action that involves safeguards plans does not require either an environmental assessment or an environmental impact statement.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to the exemption from the implementation date requirement in 10 CFR 73.55(a)(1) was published in the *Federal Register* on May 8, 2012 (77 FR 27097). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment. The exemption will be published in the *Federal Register*.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). The Safety Evaluation Report contains Sensitive Unclassified Non-Safeguards Information (SUNSI) and is being withheld from public inspection in accordance with 10 CFR 2.390.

Sincerely,

/RA/

John B. Hickman, Project Manager
Reactor Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and
Environmental Management Programs

Docket No.: 50-409
License No.: DPR-45

Enclosures: Exemption
Safety Evaluation (Official Use Only – Security Related Information)

cc (without Safety Evaluation): LaCrosse BWR Service List

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to the exemption from the implementation date requirement in 10 CFR 73.55(a)(1) was published in the *Federal Register* on May 8, 2012 (77 FR 27097). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment. The exemption will be published in the *Federal Register*.

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La Crosse Boiling Water Reactor Service List

cc:

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