

September 8, 2014

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: ISSUANCE OF AMENDMENT RELATING TO THE DAIRYLAND POWER
COOPERATIVE LA CROSSE BOILING WATER REACTOR REQUEST
FOR CHANGES TO THE EMERGENCY PLANNING REQUIREMENTS
(TAC NO. J52956)

Dear Mr. Berg:

By letter dated August 6, 2013, as supplemented by letters dated January 16, 2014, and April 14, 2014, Dairyland Power Cooperative (the licensee) proposed changes to the La Crosse Boiling Water Reactor (LACBWR) Emergency Plan pursuant to Section 50.90, "Application for amendment of license, construction permit, or early site permit," and Section 50.54(q), "Emergency plans," of Title 10 of the *Code of Federal Regulations* (10 CFR). These changes would update the LACBWR Emergency Plan to become the LACBWR Independent Spent Fuel Storage Installation (ISFSI) Emergency Plan to reflect the alteration in the status of the LACBWR decommissioning site, in that all of the spent nuclear fuel has now been transferred from the spent fuel pool to an ISFSI.

The proposed amendment for Possession-Only License DPR-45 requested approval of a revision to the LACBWR Emergency Plan, including removal of the various emergency actions related to the former spent fuel pool, the transfer of responsibility for implementing the Emergency Plan to the Security Shift Supervisors at the ISFSI, a revised emergency plan organization, removal of the fire brigade, and abandonment of the LACBWR Control Room consistent with the current state of decommissioning.

As discussed in the enclosed safety evaluation, the U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the proposed changes to the LACBWR Emergency Plan and concluded that the proposed changes meet the applicable standards in Paragraph (b) to 10 CFR 50.47, "Emergency plans," the requirements of Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to 10 CFR Part 50, and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the LACBWR site.

Therefore, the licensee's proposed changes to the LACBWR Emergency Plan, as outlined in the letters referenced above, are considered acceptable. The Commission's regular biweekly *Federal Register* notice will include the Notice of Issuance of this amendment.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Pursuant to Paragraph (c)(9) of 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," the Commission has determined that the issuance of this amendment is categorically excluded and pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared. Approval of this amendment request involves no significant hazards consideration; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and no significant increase in individual or cumulative public or occupational radiation exposure.

Should you have any questions regarding this action please contact me at 301-415-3178 or marlayna.vaaler@nrc.gov.

Sincerely,

/RA/
Marlayna Vaaler, 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 Nos. 50-409 and 72-046
License No. DPR-45

Enclosures:

1. Amendment No. 73 to DPR-45
2. Safety Evaluation

cc w/enclosures: La Crosse Boiling Water Reactor Service List

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Pursuant to Paragraph (c)(9) of 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," the Commission has determined that the issuance of this amendment is categorically excluded and pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared. Approval of this amendment request involves no significant hazards consideration; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and no significant increase in individual or cumulative public or occupational radiation exposure.

Should you have any questions regarding this action please contact me at 301-415-3178 or marlayna.vaaler@nrc.gov.

Sincerely,

Marlayna Vaaler, 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 Nos. 50-409 and 72-046
License No. DPR-45

Enclosures:

1. Amendment No. 73 to DPR-45
2. Safety Evaluation

cc w/enclosures: La Crosse Boiling Water Reactor Service List

DISTRIBUTION:

PUBLIC DWMEP/RDB RF JHickman, FSME ROrlikowski, RIIL MNorris, NSIR

ML14155A112

OFFICE	FSME	FSME	NSIR	FSME	OGC	FSME	FSME
NAME	MVaaler	CHolston	JAnderson (via email)	BWatson	HBenowitz	APersinko	MVaaler
DATE	6/3/2014	6/5/2014	5/27/2014	7/31/2014	8/13/2014	9/8/14	9/8/14

OFFICIAL RECORD COPY

La Crosse Boiling Water Reactor Service List

Mr. Thomas Zaremba
Wheeler, Van Sickle and Anderson
Suite 801
25 West Main Street
Madison, WI 53703-3398

Mr. George Kruck
Chairman, Town of Genoa
S5277 Mound Ridge Road
Genoa, WI 54632

Mr. Jeffery Kitsembel
Electric Division
Wisconsin Public Service Commission
P.O. Box 7854
Madison, WI 53707-7854

Mr. Paul Schmidt, Manager
Radiation Protection Section
Bureau of Environmental and Occupational Health
Division of Public Health
Wisconsin Department of Health Services
P.O. Box 2659
Madison, WI 53701-2659

Mr. Don G. Egge, Plant Manager
La Crosse Boiling Water Reactor
Dairyland Power Cooperative
S4601 State Highway 35
Genoa, WI 54632-8846

Mr. Jeff McRill, Technical Support Engineer
La Crosse Boiling Water Reactor
Dairyland Power Cooperative
S4601 State Highway 35
Genoa, WI 54632-8846

Regional Administrator
Region III
U.S. Nuclear Regulatory Commission
2443 Warrenville Road
Lisle, IL 60532-4352

DAIRYLAND POWER COOPERATIVE

DOCKET NO. 50-409

LA CROSSE BOILING WATER REACTOR

AMENDMENT TO POSSESSION ONLY LICENSE

Amendment No. 73
License No. DPR-45

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Dairyland Power Cooperative (the licensee) dated August 6, 2013, as supplemented by letters dated January 16, 2014, and April 14, 2014, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, by Amendment No. 73, Possession Only License No. DPR-45 is hereby amended to authorize Revision 34 to the Dairyland Power Cooperative La Crosse Boiling Water Reactor Emergency Plan, updating it to become the Dairyland Power Cooperative La Crosse Boiling Water Reactor Independent Spent Fuel Storage Installation Emergency Plan, as set forth in Dairyland Power Cooperative's application dated August 6, 2013, as supplemented by letters dated January 16, 2014, and April 14, 2014, and evaluated in the NRC staff's safety evaluation dated May 27, 2014. The license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Andrew Persinko, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Date of Issuance: September 8, 2014

SAFETY EVALUATION BY THE
OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE
RELATED TO AMENDMENT NO. 73 TO
POSSESSION ONLY LICENSE NO. DPR-45
CHANGES TO THE EMERGENCY PLANNING REQUIREMENTS
DAIRYLAND POWER COOPERATIVE,
LA CROSSE BOILING WATER REACTOR
DOCKET NOS. 50-409 and 72-046

1.0 INTRODUCTION

Dairyland Power Cooperative (DPC, the licensee) is the holder of Possession-Only License DPR-45 for the La Crosse Boiling Water Reactor (LACBWR) facility. The license, issued pursuant to the Atomic Energy Act of 1954, as amended, and Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), allows DPC to possess and store spent nuclear fuel at the permanently shutdown and decommissioned facility under the provisions of 10 CFR Part 72, Subpart K, "General License for Storage of Spent Fuel at Power Reactor Sites."

By letter dated October 19, 2012 (Reference 1), DPC notified the U.S. Nuclear Regulatory Commission (NRC) that all of the spent nuclear fuel from the LACBWR facility had been transferred to dry cask storage at an onsite Independent Spent Fuel Storage Installation (ISFSI) under the general license provisions of 10 CFR Part 72, Subpart K, on September 19, 2012. Additionally, by letter dated October 24, 2012 (Reference 2), DPC further committed to the NRC that there would be no spent fuel placed in the LACBWR spent fuel pool from that date forward.

In a letter dated August 6, 2013 (Reference 3), and as supplemented by letters dated January 16, 2014, and April 14, 2014 (References 4 and 5), DPC proposed changes to the LACBWR Emergency Plan. These changes would update the LACBWR Emergency Plan to become the LACBWR ISFSI Emergency Plan to reflect the alteration in the status of the LACBWR decommissioning site, in that all of the spent nuclear fuel has now been transferred from the spent fuel pool to an ISFSI.

The major changes to the LACBWR Emergency Plan in DPC's request for approval were: (1) removal of the various emergency actions related to the former spent fuel pool, (2) removal of non-ISFSI related emergency event types, (3) the transfer of responsibility for implementing the licensee's emergency plan to the Security Shift Supervisors (SSS) located at the ISFSI, (4) revision of the emergency plan organization, (5) replacement of the fire brigade with incipient fire trained personnel, and (6) abandonment of the former Control Room consistent with the current state of decommissioning.

The supplements dated January 16, 2014, and April 14, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on October 29, 2013 (78 FR 64543).

2.0 REGULATORY EVALUATION

This safety evaluation addresses the impact of the proposed changes on the LACBWR Emergency Plan to become the LACBWR ISFSI Emergency Plan. The regulatory requirements, as exempted, and guidance on which the NRC staff based its acceptance are as follows:

2.1 Regulations

- 10 CFR 50.47(b)(1) states, in part: "[E]ach principal response organization has staff to respond and to augment its initial response on a continuous basis."
- 10 CFR 50.47(b)(2) states, in part: "[A]dequate staffing to provide initial facility accident response in key functional areas is maintained at all times, timely augmentation of response capabilities is available"
- 10 CFR 50.47(b)(4) states, in part: "A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee...."
- 10 CFR Part 50, Appendix E, Section IV.A, "Organization," states, in part: "The organization for coping with radiological emergencies shall be described, including definition of authorities, responsibilities, and duties of individuals assigned to the licensee's emergency organization...."
- 10 CFR 72.32(a)(3) requires that an ISFSI emergency plan include: "A classification system for classifying accidents as 'Alerts'."
- 10 CFR 72.32(a)(7) requires that an ISFSI emergency plan include, in part: "A brief description of the responsibilities of licensee personnel should an accident occur...."
- 10 CFR 72.32(a)(8) states, in part: "A control point must be established."

2.2 Guidance

Revision 1 to NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," provides a common reference and guidance source for nuclear facility operators to develop radiological emergency response plans.

The Nuclear Energy Institute (NEI) document NEI 99-01, Revision 6, "Methodology for Development of Emergency Action Levels," dated November 2012, provides guidance for licensees to consider in the development of their site-specific emergency action level schemes.

As part of the review for DPC's current request to change the LACBWR Emergency Plan, the staff also used Spent Fuel Project Office Interim Staff Guidance (ISG) – 16, "Emergency Planning," (Reference 6) as a reference to ensure consistency between specific licensed and general-licensed ISFSIs.

3.0 TECHNICAL EVALUATION

The NRC staff has reviewed the licensee's regulatory and technical analyses in support of its proposed emergency plan changes, as described in DPC's application and subsequent letters. The staff's technical evaluation is detailed below.

3.1 Background

DPC revised the LACBWR Emergency Plan to reflect the permanently shutdown and defueled status of the LACBWR facility in Revision 10, dated September 29, 1987 (Reference 7), and submitted the Emergency Plan to the NRC for approval. The revision contained a technical report which provided the radiological consequences for the maximum credible accident scenario associated with the spent fuel pool. Based on this technical evaluation, DPC revised the LACBWR Emergency Plan to eliminate all aspects of offsite emergency preparedness required under 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50.

The NRC approved Revision 10 of the LACBWR Emergency Plan in a safety evaluation dated July 8, 1988 (Reference 8). The staff concluded that the licensee's emergency plan was acceptable in view of the reduced offsite radiological consequences associated with the decommissioning plant status. The staff found that the postulated dose to the general public from any reasonably conceivable accident would not exceed the U.S. Environmental Protection Agency (EPA) Protective Action Guides (PAGs) exposure levels, as detailed in EPA-400-R-92-001, "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents." In addition, the staff concluded that for the bounding accident, the length of time available to respond to a loss of spent fuel cooling or reduction in water level in the spent fuel pool gave confidence that offsite measures for the public could be taken on an ad hoc (all hazards) basis without formal offsite radiological emergency preparedness plans.

On June 18, 2012, DPC submitted a letter, "Request for Exemption to Revised Emergency Planning Regulations" (Reference 9), requesting exemption from specific emergency planning (EP) requirements of 10 CFR 50.47, "Emergency Plans," and 10 CFR Part 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," for the LACBWR facility, related to a rulemaking that amended the NRC's EP regulations (76 *Federal Register* (FR) 72560; November 23, 2011). These exemptions were granted by the NRC in a letter dated July 31, 2013 (Reference 10).

3.2 Proposed Changes

In its August 6, 2013, application, DPC revised and reissued the entire LACBWR Emergency Plan as the LACBWR ISFSI Emergency Plan, Revision 33. After subsequent discussions with the NRC staff, the supplemental letter dated April 14, 2014, incorporated additional changes into the LACBWR ISFSI Emergency Plan, Revision 34. The staff evaluated the changes described in both of these revisions during its review of the LACBWR ISFSI Emergency Plan.

The major changes DPC requested in Revision 33 and Revision 34 to the LACBWR ISFSI Emergency Plan were removal of the various emergency actions related to the former spent fuel pool, removal of non-ISFSI related emergency event types, the transfer of responsibility for implementing the licensee's emergency plan to the SSS located at the ISFSI, a revised emergency plan organization, replacement of the fire brigade with incipient fire trained personnel, and abandonment of the former control room consistent with the current state of decommissioning at the LACBWR facility.

The off-normal events and accidents addressed in the LACBWR ISFSI Emergency Plan are related to the dry storage of spent nuclear fuel at the ISFSI and only include off-normal, accident, natural phenomena, and hypothetical events and consequences as presented in the NAC Multi-Purpose Canister System Final Safety Analysis Report (NAC-MPC FSAR) (Reference 11). With all fuel removed from the LACBWR spent fuel pool, there is no longer any potential for the SAFSTOR¹ accidents previously described in the LACBWR Emergency Plan that would increase risk to the health and safety of the public. These accidents included events specifically related to the storage of the spent fuel in the Fuel Element Storage Well (FESW). After the transfer of the spent fuel to the ISFSI, the FESW was drained and is scheduled to be dismantled as part of the decommissioning of the site.

3.3 Evaluation

Emergency Actions Related to the ISFSI and Removal of Non-ISFSI Related Event Types

The LACBWR ISFSI Emergency Plan provides emergency action levels (EALs) that only include events related to the ISFSI. The application states that these EALs were developed using the guidance in NEI 99-01, Revision 6. Selected guidance in NEI 99-01, Revision 6, is applicable to licensees electing to use their 10 CFR Part 50 emergency plan to fulfill the requirements of 10 CFR 72.32, "Emergency plan," for a stand-alone ISFSI.

The LACBWR ISFSI Emergency Plan provides that the emergency planning zone for the ISFSI is the area within the ISFSI Controlled Area Boundary, which is established to limit dose to the public during normal operations and design basis accidents in accordance with the requirements of 10 CFR 72.104, "Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS," and 10 CFR 72.106, "Controlled area of an ISFSI or MRS." The controlled area, as defined in 10 CFR 72.3, "Definitions," means the area immediately surrounding an ISFSI for which the licensee exercises authority over its use and within which ISFSI operations are performed. The licensee's analyses of the radiological impact of potential accidents at the ISFSI site conclude that any releases beyond the ISFSI Controlled Area Boundary are expected to be less than the EPA PAGs.

Because of the very low risk of consequences to public health and safety resulting from the postulated worst-case accidents related to the LACBWR ISFSI, all emergencies are classified as no higher than an Alert in accordance with the regulations in 10 CFR 72.32(a)(3), "Classification of Accidents," which also maintains consistency with the requirements of

¹ A method of decommissioning in which a nuclear facility is placed and maintained in a condition that allows the facility to be safely stored and subsequently decontaminated (deferred decontamination) to levels that permit release for unrestricted use.

10 CFR 50.47(b)(4) regarding standardized emergency classification and action level schemes. The staff finds the emergency actions levels and event types described above to be consistent with the current conditions at the site, as well as the applicable regulations and guidance documents, and therefore acceptable.

Transfer of Responsibility for Implementing the Licensee's Emergency Plan to the Security Shift Supervisors Located at the ISFSI and Revision of the Emergency Plan Organization

The LACBWR Emergency Plan was revised in May 2011 to establish requirements for emergency response to ISFSI conditions. This revision of the plan provided that there was a Plant Emergency Response Director (ERD) responsible for the plant and spent fuel pool, and an ISFSI ERD responsible for the ISFSI. Since the spent fuel has been transferred to the ISFSI and the FESW has been drained, the proposed change will remove emergency response functions that the Plant ERD provided and transfer the responsibility for implementing the LACBWR ISFSI Emergency Plan to the ISFSI SSS and ERD. These responsibilities include overall control of plant emergencies, assuring notifications are performed, accident assessment, protective response and outside services coordination, radiological exposure control, and interfaces with Federal, State and local authorities.

If an emergency condition develops, the LACBWR ISFSI Emergency Plan provides that the ISFSI SSS is responsible for classifying the event and assuming the role of the ERD. The ERD has overall responsibility for the coordination and direction of all aspects of the response to an emergency. The on-shift organization is responsible for performing emergency response activities and may be augmented with additional personnel at the discretion of the ERD. Conditions would be assessed and corrective actions implemented to restore the facility to a normal safe condition. Notification is made to the Vernon County Sheriff's Department, Wisconsin Emergency Management, and the NRC.

These activities, as outlined by the LACBWR ISFSI Emergency Plan, are consistent with the requirements for maintaining an emergency response organization and describing the associated responsibilities of plant personnel located in 10 CFR Part 50, Appendix E, Section IV.A and 10 CFR 72.32(a), which includes provisions for assessing, classifying, and mitigating events, assigning emergency responsibilities, communication with offsite organizations, and establishment of a control point.

The types of response actions described in the LACBWR ISFSI Emergency Plan are also consistent with the criteria established in NUREG-0654/FEMA-REP-1 for developing an appropriate emergency response plan, given that the postulated worst-case accidents related to the ISFSI have a very low probability of occurring and minimal consequences to public health and safety, and that many other accident types are no longer credible with all of the LACBWR spent fuel contained in the ISFSI.

As such, the staff finds the transfer of the emergency plan responsibilities and revision of the emergency response organization to be consistent with the current conditions at the site, as well as the applicable regulations and guidance documents, and therefore acceptable.

Replacement of the Fire Brigade with Incipient Fire Trained Personnel

The licensee's application also explains that the LACBWR Fire Protection Program was previously revised to deactivate the fire brigade. As an alternative, designated plant and ISFSI personnel are trained to extinguish incipient fires in their immediate work areas. Response to a fire emergency would be provided by the Genoa Fire Department in accordance with a letter of agreement with DPC. On-shift ISFSI personnel will have the responsibility to coordinate the on-site activities with the Genoa Fire Department. The LACBWR ISFSI Emergency Plan also provides that there are no flammable materials to be stored in the area of the ISFSI Pad.

The staff finds that the continued use of incipient fire trained personnel at the LACBWR ISFSI is consistent with the current conditions at the site, maintains compliance with the requirements of 10 CFR 50.47(b)(1)-(2) regarding adequate staffing to provide initial and augmented accident response, and is therefore acceptable.

Abandonment of the Former Control Room

With the transfer of spent fuel to the ISFSI, the Control Room is no longer required to be manned continuously to monitor plant conditions and the licensee plans to vacate the Turbine Building for decommissioning and dismantlement. When the LACBWR ISFSI Emergency Plan is implemented, the ISFSI Administration Building provides for normal site access control, badging of personnel, and ISFSI monitoring. The Security Alarm Station is the portion of the Administration Building where ISFSI monitoring is conducted. The Administration Building also becomes the Emergency Response Facility and is the location where emergency events would be assessed, classified, and managed. Implementation of protective actions related to potential emergency events associated with the ISFSI is not considered necessary beyond the immediate vicinity of the ISFSI and the Administration Building. The ISFSI power supply is independent of the plant and will not be affected by the abandonment of the former Control Room.

The staff finds that the abandonment of the former Control Room as described above is consistent with the current conditions at the site, maintains compliance with the requirements of 10 CFR 72.33(a)(8) regarding establishment of a control point for coordinating emergency response activities, and is therefore acceptable.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Wisconsin State official was notified on August 12, 2014, of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no

significant hazards consideration, and there has been no public comment on such finding (78 FR 64543; October 29, 2013). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 CONCLUSION

The NRC staff finds that the proposed changes in Revision 34 to the LACBWR ISFSI Emergency Plan, which includes the changes previously described in Revision 33, meet the standards in 10 CFR 50.47(b) and the requirements in Appendix E of 10 CFR Part 50, as exempted, and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the ISFSI. In addition, the staff concludes that the revised LACBWR ISFSI Emergency Plan complies with the 10 CFR Part 72 emergency planning requirements for an ISFSI located on the site of a nuclear power reactor that is not authorized to operate, as specified in 10 CFR 72.32(a).

Therefore, the NRC staff concludes that the licensee's proposed changes to the LACBWR Emergency Plan to become the LACBWR ISFSI Emergency Plan, described in its application dated August 6, 2013, as supplemented by letters dated January 16, 2014, and April 14, 2014, are acceptable. The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

8.0 REFERENCES

1. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Dairyland Power Cooperative La Crosse Boiling Water Reactor (LACBWR) Provisional Operating License No. DPR-45 Decommissioning Plan, Request for Rescission of NRC Orders EA-02-077 and EA-03-099," dated September 19, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12264A575).
2. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Dairyland Power Cooperative La Crosse Boiling Water Reactor (LACBWR) Provisional Operating License No. DPR-45 DPC Commitment to Place No Spent Fuel in the LACBWR Spent Fuel Storage Pool," dated October 24, 2012 (ADAMS Accession No. ML12299A474).
3. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "License Amendment Request for Proposed Revision to LACBWR Emergency Plan," dated August 6, 2013 (ADAMS Accession No. ML13220A953).

4. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Response to NRC Request for Additional Information Concerning License Amendment Request for Proposed Revision to LACBWR Emergency Plan," dated January 16, 2014 (ADAMS Accession No. ML14023A719).
5. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Supplement to Response to NRC Request for Additional Information Concerning License Amendment Request for Proposed Revision to LACBWR Emergency Plan," dated April 14, 2014 (ADAMS Package Accession No. ML14108A415).
6. Spent Fuel Project Office Interim Staff Guidance – 16, "Emergency Planning," dated June 14, 2000 (ADAMS Accession No. ML003724570).
7. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Dairyland Power Cooperative La Crosse Boiling Water Reactor (LACBWR) Provisional Operating License No. DPR-45 Decommissioning Plan, Preliminary DECON Plan, and Supplement to Environmental Report," dated December 21, 1987 (ADAMS Legacy No. 8801150072).
8. Letter from U.S. Nuclear Regulatory Commission to Dairyland Power Cooperative, "Approval of Emergency Plan," dated July 8, 1988 (ADAMS Legacy No. 8807140110).
9. Letter from Dairyland Power Cooperative to U.S. Nuclear Regulatory Commission, "Request for Exemption from Emergency Planning Requirements," dated June 18, 2012 (ADAMS Accession No. ML12171A462).
10. Letter from U.S. Nuclear Regulatory Commission to Dairyland Power Cooperative, "La Crosse Boiling Water Reactor - Issuance of Exemption from Certain Emergency Planning Requirements (TAC No. J00438)," dated July 31, 2013 (ADAMS Accession No. ML13008A560).
11. Letter from NAC International to U.S. Nuclear Regulatory Commission, "Submission of NAC-MPC FSAR, Revision 8," dated February 28, 2011 (ADAMS Accession No. ML110620451).

Principal Contributor: Michael Norris, NSIR

Date: September 8, 2014