



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

July 24, 2015

EA-15-096

Ms. Barbara A. Nick
President and CEO
Dairyland Power Cooperative
3200 East Avenue S.
P.O. Box 817
La Crosse, WI 54602-0817

**SUBJECT: WITHDRAWAL OF NON-CITED VIOLATION, LA CROSSE BOILING WATER
REACTOR INDEPENDENT SPENT FUEL STORAGE INSTALLATION, NRC
INSPECTION REPORT 07200046/2014001(DNMS); 05000409/2014008(DNMS)**

Dear Ms. Nick:

On April 29, 2015, you provided a response to a U.S. Nuclear Regulatory Commission (NRC) Inspection Report issued on March 26, 2015, concerning activities conducted at your facility. Specifically, the letter documented that you disagreed with the Non-Cited Violation (NCV) contained in the inspection report, namely NCV 07200046/2014001-05 and 05000409/2014008-05, regarding your facility's staff augmentation capability not in accordance with the Emergency Plan.

In the April 29, 2015 letter, your staff stated that the non-cited violation was being contested because you did not believe the issue constituted a violation.

The NRC staff has completed its evaluation of Dairyland Power Cooperative's basis for disagreeing with the NCV. The staff involved with the review was independent of the initial inspection effort. Based upon a thorough review of your position, and in coordination with the Offices of Enforcement, and Nuclear Security and Incident Response, the NRC concludes that the violation of regulatory requirements did not occur as presented in the subject inspection report. Accordingly, the NCV is hereby withdrawn, and we will modify our records accordingly.

Specifically, the inspection report cited the licensee against Title 10 of the *Code of Federal Regulations* (CFR) 50.54(q) which states, in part, "a holder of a license under this part... shall follow and maintain the effectiveness of an emergency plan that meets the requirements in appendix E of this part..." The inspection report referred to the portion of the LaCrosse Boiling Water Reactor (LACBWR) Emergency Plan, Revision 34, Section 3.3, which states, "A Response Surveillance is required following off-normal, accident or natural phenomena events. The NAC-MPC Systems in use at an independent spent fuel storage installation (ISFSI) shall be inspected within 4 hours after the occurrence of an off-normal, accident or natural phenomena event in the area of the ISFSI. Following a natural phenomenon event, the ISFSI shall be

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inspected to determine if movement or damage to the CONCRETE CASKS has resulted in unacceptable site boundary dose rates." After further review, our decision to withdraw the violation was based on the following: site procedure EPP-20.03, ISFSI Communications System, Attachment 2, ISFSI Emergency Phone List contains four radiation protection technicians designated to respond and to conduct the actions stated in the emergency plan; your staff conducts a monthly call-out test to ensure they can contact these individuals; and, recent call-out tests have been successful. This procedure was found to be an acceptable mechanism to ensure staff can respond in accordance with the licensee's Emergency Plan. Your staff also entered this issue into your corrective action program as CAR 2014-025 to make improvements to your current process.

Notwithstanding this decision, the NRC places a high importance on emergency response to a facility in a timely manner. It is our understanding that this issue on staffing is in your corrective action program with actions assigned to make improvements to the facility's call-out process in order to provide additional assurance that staff will respond to the site when called upon.

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's Public Document Room or from the Publicly Available Records System (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact Mr. Robert J. Orlikowski of my staff at 630-829-9834.

Sincerely,

/RA/

Darrell J. Roberts
Deputy Regional Administrator

Docket Nos. 072-00046; 050-00409
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