

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
 DAIRYLAND POWER COOPERATIVE
 (La Crosse Boiling Water Reactor)

Docket No. 50-409

EXEMPTION

I.

Dairyland Power Cooperative (the licensee) is the holder of Provisional Operating License No. DPR-45 which authorizes the operation of the La Crosse Boiling Water Reactor (the facility) at the steady-state power levels not in excess of 165 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Vernon County, Wisconsin. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II.

Section 50.71(e)(3)(ii) of 10 CFR Part 50 requires that those plants initially subject to the NRC's systematic evaluation program (SEP) must file a complete updated Final Safety Analysis Report (FSAR) within 24 months after receipt of notification that SEP has been completed. By letter dated July 20, 1983, the staff informed Dairyland Power Cooperative that SEP had been completed for the La Crosse Boiling Water Reactor (LACBWR) and that, pursuant to 10 CFR 50.71(e)(3), the licensee was required to file an updated FSAR. By letter dated July 12, 1983, the licensee requested an exemption to defer submittal of the updated FSAR for 60 days.

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The final report, "Integrated Plant Safety Assessment, Systematic Evaluation Program" for the La Crosse Boiling Water Reactor, NUREG-0827, had several open items that required further evaluation and plant modifications. The licensee's July 12, 1985 letter stated that these changes required the full-time utilization of LACBWR's small engineering staff and that the majority of the design changes were completed during the refueling outage in March-April 1985. Since that time, the LACBWR staff has been engaged in conducting the engineering review of the updated FSAR. The licensee indicated that it needs an additional 60 days to complete the activities associated with submitting the updated FSAR.

The NRC staff considered safety aspects of the requested exemption from the updated FSAR submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus, the granting of the requested exemption will have no significant impact on plant safety.

III.

The public interest will be served by granting the exemption since the licensee used its personnel to complete other work of higher safety significance sooner than would be the case if personnel were diverted to update the FSAR.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption. Therefore, a 60-day exemption from the date of issuance of this exemption is being granted for the submittal of an updated FSAR for the La Crosse Boiling Water Reactor.

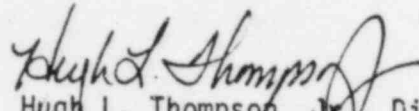
Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (50 FR 33656 , August 20, 1985).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with 50.71(e)(3).

An updated FSAR containing those original pages of the FSAR that are still applicable plus new replacement pages shall be filed on or before a date 60 days from the date of issuance of this exemption. This updated FSAR shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the updated FSAR, with subsequent revisions no less frequently than annually thereafter.

Dated at Bethesda, Maryland, this 21st day of August , 1985.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "Hugh L. Thompson, Jr.", is written over the typed name.

Hugh L. Thompson, Jr., Director
Division of Licensing
Office of Nuclear Reactor Regulation