

UNITED STATES NUCLEAR REGULATORY COMMISSION

DAIRYLAND POWER COOPERATIVE

DOCKET NO. 50-409

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY LICENSE AND OPPORTUNITY FOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), for the LaCrosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment would involve approval of the LACBWR Decommissioning plan and associated Technical Specifications (TS) and an extension of Provisional License No. DPR-45.

On April 30 1987 LACBWR was permanently shutdown. All spent fuel has been transferred from the reactor to the Spent Fuel Storage Well and License No. DPR-45 amended to possess-but-not-operate status. This amendment would accomplish the following:

- 1) Approval of the licensee's Decommissioning Plan which involves 30-50 years of on-site storage of residual radioactivity followed by its removal (SAFSTOR). The licensee also proposes to retain spent fuel onsite in the Fuel Element Storage Well until a Federal repository is available for spent fuel disposal. The Decommissioning Plan analyzes the proposed monitoring, maintenance and operation of the spent fuel pool and the monitoring and maintenance of the remainder of the facility.

The Plan also analyzes potential accidents at the facility and the controls established for radiation protection and the prevention of the release of radioactivity from the site. A supplement to the LACBWR Environmental Report submitted with the Decommissioning Plan analyzes the environmental impacts of the SAFSTOR decommissioning option;

- 2) Revision of the TS to reflect the long term storage of fuel and residual radioactivity onsite. The TS requirements would be revised to reflect the SAFSTOR status such as requirements for radiation monitoring, facility maintenance and Fuel Element Storage Well operations.
- 3) Extension of License No. DPR-45 for 40 additional years to be consistent with 10 CFR 50.51 which restricts the period of time of a license extension to 40 years from the date of issuance and also consistent with the licensee's Decommissioning Plan which requests approval of a 30 to 50 year SAFSTOR period followed by facility dismantling.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 9, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility

license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect (s) of the subject matter of the proceeding as to which petitioner wishes to

intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document

Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 [in Missouri 1-800-342-6700]. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: petitioner's name and telephone number; date Petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Kevin P. Gillen, Esq., Newman and Holtzinger, P.C., 1615 L Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

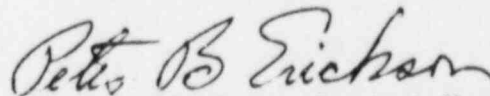
If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice

for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 21, 1987 as revised February 22, 1988 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601.

Dated at Rockville, Maryland, this 1st day of April 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Peter B. Erickson".

Peter B. Erickson, Project Manager
Standardization and Non-Power
Reactor Project Directorate
Division of Reactor Projects III, IV,
V and Special Projects
Office of Nuclear Reactor Regulation

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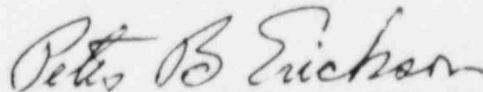
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Dated at Rockville, Maryland, this 1st day of April 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Peter B. Erickson".

Peter B. Erickson, Project Manager
Standardization and Non-Power
Reactor Project Directorate
Division of Reactor Projects III, IV,
V and Special Projects
Office of Nuclear Reactor Regulation

April 1, 1988

DISTRIBUTION:

Docket Files (50-409)

PSNDP Reading

EGHylton

PERickson

FIngrain, PA

DOCKET NO. 50-409

MEMORANDUM FOR:

Rules and Procedures Branch
Division of Rules and Records
Office of Administration and Resources Management

FROM:

Office of Nuclear Reactor Regulation

SUBJECT:

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - LA CROSSE

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- ☐ Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- ☐ Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s); Time for Submission of Views on Antitrust Matters.
- ☐ Notice of Consideration of Issuance of Amendment to Facility Operating License.
- ☐ Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- ☐ Notice of Availability of NRC Draft/Final Environmental Statement.
- ☐ Notice of Limited Work Authorization.
- ☐ Notice of Availability of Safety Evaluation Report.
- ☐ Notice of Issuance of Construction Permit(s).
- ☐ Notice of Issuance of Facility Operating License(s) or Amendment(s).
- ☐ Order.
- ☐ Exemption.
- ☐ Notice of Granting Exemption.
- ☐ Environmental Assessment.
- ☐ Notice of Preparation of Environmental Assessment.
- ☒ Other: See above subject (30-day notice)

Office of Nuclear Reactor Regulation

Enclosure:
As stated

Contact:
Phone:

OFFICE	PDSNP:FA						
SURNAME	EGHylton						
DATE	4/1/88						