



June 15, 2020

LC-2020-0012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

La Crosse Boiling Water Reactor
Facility Operating License No. DPR-45
NRC Docket Nos. 50-409 and 72-046

Subject: Request for Rescission of NRC Orders EA-06-243 and EA-06-244

References:

- 1) NRC Order EA-06-243, "Order Imposing Requirements for the Protection of Certain Safeguards Information," dated November 15, 2006
- 2) NRC Order EA-06-244, "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information," dated November 15, 2006
- 3) Letter, NRC to DPC, "La Crosse Boiling Water Reactor Independent Spent Fuel Storage Installation - Approval of Revised Physical Security Plan and Issuance of Exemption from Certain Security Requirements of 10 CFR 73.55 (Tac No. J00402 And J00403)," dated June 20, 2012 (ADAMS Accession No. ML120260728)

In 2006, the Nuclear Regulatory Commission (NRC) issued Orders EA-06-243 and EA-06-244 (References 1 and 2) to Dairyland Power Cooperative (DPC). The orders required DPC, the licensee of the LaCrosse Boiling Water Reactor (LACBWR) site, to implement specific requirements to ensure proper handling and protection of safeguards information (SGI). At the time the orders were issued, the site consisted of a permanently shutdown reactor with spent fuel stored in the fuel element storage well (FESW). In response to the orders, the LACBWR Physical Security Plan (PSP) and its associated implementing procedures were revised, as necessary, to comply with the requirements contained in the orders.

Since the orders were issued, the LACBWR PSP and implementing procedures have been modified, as necessary, to account for changes at the site and in anticipation of constructing and operating an Independent Spent Fuel Storage Installation (ISFSI) under the general license provisions of 10 CFR 72, Subpart K. The movement of spent fuel from the FESW to the ISFSI, was completed in 2012. The NRC approved the transfer of license for the LACBWR from the DPC to LaCrosseSolutions LLC (LS) in June of 2016. LS completed decommissioning activities of the Part 50 facility in 2019.

NM5501
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NM55

In accordance with Section III of the orders, LS requests that the NRC rescind Orders EA-06-243 and EA-06-244 in their entirety. The demonstration of good cause to support this request is as follows:

The requirements covered by Orders EA-06-243 and EA-06-244 are captured in the following regulations:

- 10 CFR 73.21, Protection of Safeguards Information: Performance Requirements
- 10 CFR 73.22, Protection of Safeguards Information: Specific Requirements
- 10 CFR 73.23, Protection of Safeguards Information – Modified Handling: Specific Requirements
- 10 CFR 73.57, Requirements for criminal history records checks of individuals granted unescorted access to a nuclear facility, a non-power reactor, or access to Safeguards Information

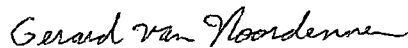
The LACBWR PSP was approved by the NRC in June 2012 (Reference 3). Between 2012 and the present time, the LACBWR PSP and implementing procedures were gradually modified to reflect the complete dismantlement of the Part 50 facility, including the FESW, and its physical security system. Currently, the LACBWR PSP and the physical security system address protection of spent fuel stored at the ISFSI and related SGI. The LACBWR PSP and associated implementing procedures comply with all regulations listed above.

As the LACBWR PSP and associated implementing procedures comply with 10 CFR 73.21, 73.22, 73.23, and 73.57, which cover the requirements in the orders, LS respectfully requests rescission of Orders EA-06-243 and EA-06-244.

There are no regulatory commitments contained within this letter.

If you have any questions about this letter, please contact me at (860) 462-9707.

Respectfully,



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