



August 6, 2013

10 CFR 50.54(q)  
10 CFR 50.90

In reply, please refer to LAC-14288

DOCKET NO. 50-409 and 72-046

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

SUBJECT: Dairyland Power Cooperative  
La Crosse Boiling Water Reactor (LACBWR)  
Possession-Only License DPR-45  
License Amendment Request for Proposed Revision to LACBWR Emergency Plan

- REFERENCES:
- 1) Letter, NRC to DPC dated July 8, 1988, Approval of Emergency Plan (Revision 10)
  - 2) Letter, DPC to NRC (LAC-14241) dated June 18, 2012, Request for Exemption from Emergency Planning Requirements
  - 3) Letter, NRC to DPC dated August 7, 1991, Order to Authorize Decommissioning and Amendment No. 66 to Possession Only License No. DPR-45 for La Crosse Boiling Water Reactor
  - 4) Confirmatory Order Modifying NRC Order Authorizing Decommissioning of Facility, dated September 15, 1994

Pursuant to 10 CFR 50.54(q) and 10 CFR 50.4(b)(5), Dairyland Power Cooperative (DPC) hereby submits a proposed change to the LACBWR Emergency Plan. As required by 10 CFR 50.54(q)(ii)(4), DPC requests an amendment to the facility operating license listed above in accordance with 10 CFR 50.90. In accordance with 10 CFR 50.91(b)(1), a copy of this request for amendment has been sent to the State of Wisconsin.

The major changes in this Emergency Plan change request are the removal of the various emergency actions related to the former spent fuel pool, removal of non-Independent Spent Fuel Storage Installation (ISFSI) related emergency event types, 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 former Control Room consistent with the current state of decommissioning.

The proposed change has been reviewed considering the requirements of 10 CFR 50.54(q), the planning standards of 10 CFR 50.47(b), 10 CFR 50 Appendix E, and the Emergency Plan. These changes have been determined to decrease the effectiveness of the Emergency Plan in accordance with requirements of 10 CFR 50.54(q) and require prior NRC approval. The decrease in effectiveness was determined due to

AX45  
FSME20  
HMS26

the decreased emergency condition levels required after spent fuel transfer was completed to the ISFSI, a decrease in Emergency Planning staffing, and a change in roles and responsibilities. The entire plan has been revised and will be reissued as Revision 33. An evaluation with the description of each change is included as an enclosure to this letter.

A change is being made, in accordance with the requirements of 10 CFR 50.59, to the Decommissioning Plan and Post-Shutdown Activities Report (D-Plan/PSDAR) that will establish a revised plant post-fuel accident analysis to be used as a licensing basis for activities during final decommissioning and dismantlement (D&D) to complete license termination.

The NRC directed DPC to decommission the facility in its Decommissioning Order of Reference 3. License Amendment No. 66, issued with the Decommissioning Order provided evaluation and approval of the proposed Decommissioning Plan, SAFSTOR Technical Specifications, and license renewal to accommodate the SAFSTOR period for a term to expire March 29, 2031. The Decommissioning Order was modified September 15, 1994, by Confirmatory Order (Reference 4) to allow DPC to (i) make changes in the facility or procedures as described in the Decommissioning Plan, and (ii) to conduct tests or experiments not described in the Decommissioning Plan, without prior NRC approval, if a plant-specific safety and environmental review procedure containing similar requirements as specified in 10 CFR 50.59 was applied.

In December 2012, the NRC-approved Decommissioning Plan was revised in accordance with guidance of NRC Regulatory Guide 1.185. In that revision to the Decommissioning Plan, the SAFSTOR accident analysis was removed because all spent fuel had been placed in dry cask storage at the ISFSI and the postulated accidents were no longer applicable to the plant. The addition of a revised plant post-fuel accident analysis, in addition to supporting the Emergency Plan changes, will provide the basis for 10 CFR 50.59 determinations during final D&D. This change to the D-Plan/PSDAR has been evaluated under 10 CFR 50.59 and determined to not require prior NRC approval.

The revised Emergency Plan as well as supporting documents consisting of an updated Offsite Dose Calculation Manual (ODCM) and revised design basis safety analysis events and accidents described in the D-Plan/PSDAR are also included.

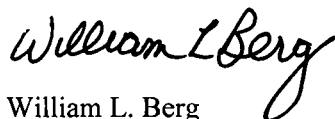
Enclosure 1 to this letter provides an evaluation supporting the proposed changes, the reason for the change, the regulatory basis for the proposed change, and the basis for concluding that the proposed change continues to meet the requirements of Appendix E and the planning standards of 10 CFR 50.47(b), as exempted. Enclosure 2 provides the revised Emergency Plan pages reflecting the proposed changes. Enclosure 3 provides the updated ODCM as a supporting document for justification to remove the remaining plant related emergency event types. Enclosure 4 provides the revised section of the D-Plan/PSDAR capturing the remaining design basis accidents and events applicable to the LACBWR plant.

DPC requests approval of the proposed changes to the Emergency Plan by December 30, 2013, with the amendment being implemented within 60 days of issuance of the amendment. The Emergency Plan revision has been reviewed by the onsite LACBWR Operations Review Committee (ORC) and offsite Safety Review Committee. Following discussion at an ORC meeting, this revision to the LACBWR Emergency Plan was approved for submittal to the NRC.

No new regulatory commitments are established by this submittal.

If you have any questions concerning this revision, please call Don Egge, LACBWR Plant/ISFSI Manager at (608) 689-4207.

Sincerely,



William L. Berg  
President and CEO

WLB:JBM:jkl

- Enclosures:
- 1) Description and Evaluation of Changes
  - 2) LACBWR ISFSI Emergency Plan, Revision 33
  - 3) LACBWR Offsite Dose Calculation Manual, Revision 14
  - 4) Pages from LACBWR Decommissioning Plan and Post-Shutdown Decommissioning Activities Report, Revised August 2013

cc w/Enclosures:      John Hickman  
                                  Project Manager  
                                  U.S. Nuclear Regulatory Commission

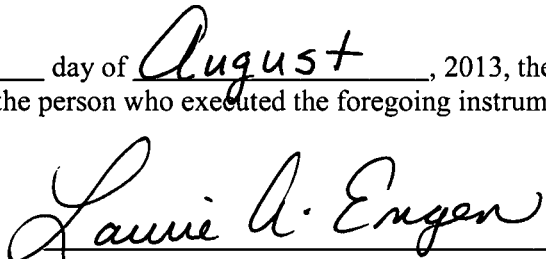
Charles Casto  
 Regional Administrator, Region III  
 U.S. Nuclear Regulatory Commission

Paul Schmidt  
 Manager, Radiation Protection Section  
 State of Wisconsin

STATE OF WISCONSIN      )  
   )  
 COUNTY OF LA CROSSE    )

Personally came before me this 7<sup>th</sup> day of August, 2013, the above named, William L. Berg, to me known to be the person who executed the foregoing instrument and acknowledged the same.

LAURIE A. ENGEN  
 Notary Public  
 State of Wisconsin

  
 \_\_\_\_\_  
 Notary Public, La Crosse County Wisconsin

My commission expires 5-25-14

## **License Amendment Request for Proposed Revision to LACBWR Emergency Plan**

### **DESCRIPTION AND EVALUATION OF CHANGES**

#### **1.0 INTRODUCTION**

This license amendment request proposes changes to LACBWR Emergency Plan in accordance with 10 CFR 50.54(q). DPC proposes 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 Control Room consistent with the current state of decommissioning.

#### **2.0 BACKGROUND**

The emergencies addressed in this proposed plan are related to the dry storage of spent nuclear fuel at the ISFSI and 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). With all spent fuel removed from the LACBWR plant, there are no longer any SAFSTOR accidents previously described in the LACBWR Decommissioning Plan that increase risk to the health and safety of the public.

The emergency planning zone for the ISFSI is the area within the ISFSI Controlled Area Boundary; the boundary that 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 and 10 CFR 72.106 (see Figure 2.1 in the LACBWR Emergency Plan). The 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 U.S. Environmental Protection Agency (EPA) Protective Action Guide (PAG) exposure levels, as detailed in EPA-400-R-92-001, "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents." The controlled area, as defined in 10 CFR 72.3, means the area immediately surrounding an ISFSI for which the licensee exercises authority over its use and within which ISFSI operations are performed.

Because the postulated worst-case accidents related to the ISFSI have insignificant consequences to the public health and safety, all emergencies are classified as no higher than Unusual Events. If an emergency condition develops, the ISFSI Security Shift Supervisor (SSS) is responsible for classifying the event and assuming the role of the Emergency Response Director (ERD). The on-shift organization is responsible for performing emergency response activities and may be augmented with additional emergency response personnel at the discretion of the ERD. Notification is made to the Vernon County Sheriff's Department, Wisconsin Emergency Management, and the Nuclear Regulatory Commission. Conditions are assessed and corrective actions are implemented to restore the facility to a normal safe condition.

The LACBWR ISFSI Emergency Plan is based on applicable regulations, industry guidelines and NAC-MPC FSAR accident analyses for the dry cask storage system. Regulations include 10 CFR 50.47(b) as exempted, 10 CFR 50.54(q), 10 CFR 50 Appendix E as exempted, 10 CFR 72.32(c), 10 CFR 72.104, 10 CFR 72.106, and 10 CFR 72.212(b)(6).

### 3.0 PROPOSED CHANGES

The proposed changes to the Emergency Plan are discussed below:

- Cover Page      The cover page is reformatted and revised by adding *Independent Spent Fuel Storage Installation* to the plan title. Review and approval signature blocks are added.
- Entire E-Plan      All Sections of the LACBWR Emergency Plan (E-Plan) are reformatted and content is structured using Spent Fuel Storage and Transport, Interim Staff Guidance No. 16 (SFST – ISG-16) as a model. ISFSI emergency planning requirements and information established previously in Revision 31 has been translated to Revision 33 in this new format.
- Page i            Emergency Plan Authorization page is moved from previous Revision 31 page iii. A paragraph is added providing assurance that adequate protective measures will be taken in the event of a radiological emergency. Authorization for approval and issuance of the E-Plan is given by signature of the Dairyland Power Cooperative (DPC) President and CEO.
- Page ii            Table of Contents is revised to reflect Revision 33 of the E-Plan.
- Page 1-1          Section 1.0, Introduction: This section follows the format of ISG-16 and contains information previously found in the preface introduction of Revision 31 from which the description of the LACBWR plant and plant emergency planning zone has been removed. Information describes ISFSI emergency planning and the ISFSI emergency planning zone. A brief overview of the ISFSI emergency response and organization is provided. The bases for ISFSI emergency planning are established citing applicable regulation and NAC-MPC Final Safety Analysis Report (FSAR) accident analyses.
- Page 2-1  
And  
Page 2-2          Section 2.0, Facility Description: This section follows the format of ISG-16 and provides information describing the ISFSI site, surrounding area, ISFSI facility, and the NAC-MPC dry cask storage system. Information of the NAC-MPC system was previously contained in the preface introduction of Revision 31.
- Page 3-1  
Through  
Page 3-6          Section 3.0, Off-Normal Events and Accidents: This section follows the format of ISG-16 and describes events and accidents at the ISFSI as analyzed and documented in the NAC-MPC FSAR. This information was previously located in Revision 31 Section C and is translated verbatim to Revision 33 Section 3.0. The title of Section 3.3 has been shortened to state, *ISFSI Event Response Surveillance*. In Section 3.2.5, the hypothetical fire accident has been clarified to include other flammables such as grease and lubricating oil in the 50 gallon limit for combustibles next to the concrete casks. In Section 3.2.12, a footnote has been added to provide comparison of Yankee-MPC and MPC-LACBWR concrete cask dose rates during the non-credible cask tip over event. In Section 3.2.13, *MPC-LACBWR* has been added to clarify that the tornado missile impact analysis and resultant dose rate is applicable to the NAC-MPC system in use at LACBWR.

Page 4-1  
Through  
Page 4-3

Section 4.0, Classification: This section follows the format of ISG-16 and describes the methodology and guidance used in establishing the bases for classification of accidents at the ISFSI. The following changes are proposed:

Information related to the ISFSI Emergency Action Level (EAL) of Unusual Event contained previously in Revision 31 Section D.1.0 is translated to this section. Revision 31 Table D-1 that contained both plant and ISFSI emergency event types has been revised as Table 4.1, "ISFSI Emergency Events," to include only ISFSI emergency event types and using the terminology of NEI 99-01, Rev. 6.

The dose rates in Table 4.1 have been revised for damage to a loaded cask confinement boundary to dose rates on contact of a cask that are greater than or equal to 2 times the NAC-MPC CoC Technical Specification A 3.2.2, "Concrete Cask Average Surface Dose Rates," LCO 3.2.2.C values. These levels are beyond the design bases accident levels found in Chapter 11 of the NAC-MPC FSAR. Also in Table 4.1 in "Other Conditions that Warrant Declaration of Emergency," examples of initiating conditions have been provided such as notification of or the presence of toxic gases, or flammable gases, or smoke that may require a relocation of ISFSI personnel.

The following plant event types are no longer included:

1. Any Unplanned or Unexpected Release of Radioactive Materials within the Plant

With all spent fuel removed from the plant, this event creates no significant consequences to the public or plant workers. The Offsite Dose Calculation Manual (ODCM – Enclosure 3) has been updated to reflect the current state of decommissioning and provides the justification for deleting this plant event. With the current advanced state of decommissioning and the reduced source term remaining in the plant, this event will no longer reach 10 times the normal radiation level in any plant area and airborne contamination levels cannot increase to levels greater than 10 times the material's DAC value in 10 CFR 20, Appendix B.

2. Radiological Effluent Releases (Air)

With all spent fuel removed from the plant, there is insufficient source term available to provide an airborne effluent concentration greater than instantaneous ODCM limits.

3. Radiological Effluent Releases (Water)

With all spent fuel removed from the plant and the Fuel Element Storage Well (FESW) drained, there are no longer any Liquid Discharge Effluents greater than 500 times the effluent concentration limits in 10 CFR 20, Appendix B.

4. Fuel Damage

With all spent fuel removed from the FESW, this event is no longer applicable. There is no possibility for fuel damage to cause a release of radioactivity in the Reactor Building.

5. Decrease in FESW Water Level

With all spent fuel removed from the FESW, this event is no longer applicable. The FESW is currently drained and has been cleaned for future dismantlement.

6. System/Equipment Failure or Malfunction (General – Loss of Fire Protection System)

This event involves complete loss or serious degradation of the fire protection system. Any loss to the plant caused by fire creates no significant consequences to the public. With all spent fuel removed from the plant, there is insufficient source term available to provide an airborne effluent concentration greater than instantaneous ODCM limits.

7. System/Equipment Failure or Malfunction (Loss of Power)

The loss of offsite or on-site power to the LACBWR plant does not create a radiological release. The remaining radioactive material in the plant is confined to systems that are abandoned or remain closed during a loss of power.

8. Natural Occurrences (Earthquake, River Levels, Wind and Tornadoes)

Any losses caused by natural occurrences to the LACBWR plant create no significant radiological consequences to the public. With all spent fuel removed from the plant, there is insufficient source term available to provide an airborne effluent concentration greater than instantaneous ODCM limits. With the FESW drained, there are no longer any Liquid Discharge Effluents greater than 500 times the effluent concentration limits in 10 CFR 20, Appendix B. With the current advanced state of decommissioning and the reduced source term remaining in the plant, this event cannot result in radiation levels 10 times the normal radiation level in any plant area and airborne contamination levels cannot increase to levels greater than 10 times the material's DAC value in 10 CFR 20, Appendix B.

9. Situations Requiring Offsite Assistance (Personal Injury)

This event involves transportation of a contaminated and injured individual to the hospital. As stated in "Emergency Preparedness Position (EPPOS) on Acceptable Deviations from Appendix 1 of NUREG-0654," EPPOS No. 1, Revision 0, June 1, 1995, this event does not meet the threshold of the emergency class and is not a precursor to a more serious event.

10. Situations Requiring Offsite Assistance (Security/Terrorist Threat)

This event involves various security threats to the plant. The Physical Security Plan is limited to the ISFSI. With all spent fuel removed from the plant and the reduced remaining radiological source term, these situations create no significant radiological consequences to the public.

11. Situations Requiring Offsite Assistance (Fire)

This event involves a fire that requires offsite support to extinguish. With all spent fuel removed from the plant, there is insufficient source term available to provide an airborne effluent concentration greater than instantaneous ODCM limits.

12. Other Hazards Experienced or Projected (Aircraft, Train Derailment, Explosion On-site)

Any loss caused by unexpected or projected hazards to the LACBWR plant creates no significant consequences to the public. With all spent fuel removed from the plant and the reduced remaining radiological source term, these situations create no significant radiological consequences to the public.

Page 5-1  
Through  
Page 5-7

Section 5.0, Response: This section describes the emergency response actions and capabilities during emergencies at the ISFSI. The revised section is consistent with the material in Revision 31 Sections A and D related to the ISFSI. The processes of recognition/classification and notification/activation are described. ISFSI Emergency Response Organization (ERO) actions are summarized. Requirements for radiological assessment, including monitoring and exposure control within the limits of 10 CFR 20.1201, are established. Protective measures, first aid and medical, firefighting, deactivation, and recovery are also discussed. A clarification has been added to Section 5.4.1 to state that radiological assessment will determine the actual extent of any radiological concern at the ISFSI.

Changes from Revision 31 Section A related to this section include deletion of the plant Emergency Response Director (ERD) acting as Fire Brigade Leader. The Fire Protection Program has been revised to deactivate the fire brigade. Plant and ISFSI personnel are termed designated employees trained to extinguish incipient fires in their immediate work areas. Response to fire emergency shall be provided by Genoa Fire Department when requested. Other emergency response functions the plant ERD provided have been removed such as overall control of plant emergencies, assuring notifications are performed, accident assessment, protective response and outside services coordination, radiological exposure control, and interfacing with the NRC. All actions of offsite responders will be coordinated by the ERD at the ISFSI.

Changes from Revision 31 Section D related to this section include deletion of notification requirements for plant emergencies, accident assessment related to plant krypton-85 gaseous effluents, and effluent monitor readings vs. exposure and contamination limits using meteorological indications. Other deletions include plant emergency dose monitoring, dose assessment, field monitoring teams, on-site notification of plant emergencies, and protective actions. Emergency measures such as the use EPA PAG emergency dose guidelines are removed.

With all spent fuel in dry cask storage at the ISFSI there is no krypton-85 available for release. Radiological monitoring and exposure controls for the remaining radiological sources in the plant are addressed in the Radiation Protection Program.



Page 6-1 Facilities and Equipment: This section describes the facilities and equipment available during emergencies at the ISFSI and is consistent with the material in Revision 31 Section B related to the ISFSI.

Changes in this section from Revision 31 Section B include the removal of the Turbine Building Training Room as an alternate plant emergency facility. The building will be vacated for decommissioning and dismantlement (D&D). The Control Room independent PBX phone stations and the plant phone system power supply is also removed. The ISFSI power supply is independent of the plant and will not be affected by the abandonment of the Control Room. The plant page system will not be used at the ISFSI and is deleted. Use of the vehicle equipped with a DPC Mobile Radio System by field monitoring teams is deleted as any on-site or near site monitoring will be performed in accordance with the Radiation Protection Program. A clarification has been added that controlled copies of facility documents are available in the ISFSI Administration Building and are readily available to the Emergency Response Organization.

The requirement of portable FM radios for emergency use at the plant is removed as these radios are no longer required but will remain available. The LLEA frequency radio and DPC Mobile Radio System base unit in the Control Room are no longer required to be available because the Turbine Building will be vacated for D&D. Discussion of evacuation sirens in the Reactor Building and Turbine Building is removed as not required for emergency purposes. Discussion of the on-site plant radiological monitoring systems is deleted for emergency purposes. These systems and radiological controls will continue as addressed in the Radiation Protection Program. Design basis accidents and events at the ISFSI do not result in radiological releases.

Meteorological data is no longer required to be available in the Control Room as the Turbine Building will be vacated for D&D. Seismic and hydrological data is no longer required because the design basis seismic or flood event does not adversely affect the NAC-MPC system in use at the ISFSI. Any losses caused by natural occurrences to the LACBWR plant create no significant consequences to the public. Discussion of the LACBWR Fire Detection System is removed because it is covered in the Fire Protection Program. Any loss caused by fire to the plant creates no significant radiological consequences to the public. Table B-1, "Communications Links with Primary and Alternate Contacts," and Figure B-1, "Plant Control Room Communications," are deleted. ISFSI communications are addressed within the Emergency Plan.

Page 7-1 Organization and Responsibilities: The normal and emergency organization of the ISFSI is described and is consistent with material in Revision 31 Section A.1.2.

Changes in Revision 31 Section A related to this section include deletion of the plant ERO, the plant ERD, and the associated responsibilities. The Control Room is no longer required to be manned continuously to monitor plant conditions. Radiological monitoring of the plant continues as required by the Radiation Protection Program. Physical work and D&D activities which have the potential to create an adverse radiological condition shall only be conducted during times when adequate staffing is available to address potential radiological issues. The lengthy description of the NRC's response planning is deleted as this information is publically available from the NRC. The descriptions of the State of Wisconsin and Vernon County emergency response

capabilities are also reduced because it is public information available elsewhere. These groups by state law and agreement provide their specific resources to the DPC emergency planning effort, as necessary.

Changes in Revision 31 Section D related to this section include deletion of the plant ERD recovery action responsibilities. Table D-2, "LACBWR Plant Emergency Exposure Criteria," is also deleted.

Page 8-1  
Through  
Page 8-4

Section 8.0, Maintaining Emergency Preparedness: This section establishes the requirements for the maintenance of emergency preparedness and is taken largely intact from Revision 31 Section E. Responsibilities of the Plant/ISFSI Manager for ensuring emergency preparedness are identified. Training requirements for ISFSI ERO personnel are described. Drill and exercise requirements are established. A change is made from the previous Revision 31 in that the E-Plan exercise will be conducted biennially in accordance with 10 CFR 50, Appendix E (IV)(F)(2)(b).

The section addresses review and update of the E-Plan and implementing procedures, and describes periodic surveillance of emergency equipment and verification of emergency notification phone numbers. Equipment inventories will be performed semi-annually. Emergency notification phone numbers will be verified quarterly and communication systems will be checked monthly. The requirement for independent review of E-Plan program elements in accordance with 10 CFR 50.54(t) is established.

Changes in this section from the Revision 31 Section E include removal of discussion of the DPC President and CEO's overall responsibility for emergency preparedness. As the responsible officer of the licensee this responsibility is established by the individual's authorization of E-Plan content. Discussions of the Emergency Preparedness Coordinator and Health and Safety Supervisor responsibilities have been removed; these responsibilities are assigned to the Plant/ISFSI Manager, or designee. Qualifications of emergency planning personnel are removed; the QAPD establishes LACBWR staff qualifications. Discussion of E-Plan and procedure maintenance and distribution is removed; document control is covered under Administrative Control Procedures. Table E-1, "Communications Testing Frequency," is removed; testing of communications equipment is addressed in EPP-20.03. A clarification has been added that the annual review of the Letters of Agreement may be performed by written correspondence or documentation of telephone conversations with each offsite provider.

Page A-1  
Through  
Page A-3

Appendix A, Definitions, Abbreviations and Acronyms: A new appendix is added that defines applicable terms and provides listings of relevant abbreviations and acronyms.

Page B-1

Appendix B, Letters of Agreement: This appendix was Revision 31 Appendix 1 and contains a list of the written agreements in effect between DPC and offsite support organizations. These agreements are unchanged and are reviewed annually. The letters of agreement will be maintained on file by the Plant/ISFSI Manager and sample copies will not be placed in this Appendix B. The Memorandum of Understanding with the U.S. Army Corps of Engineers is no longer required with all spent fuel in dry cask storage at the ISFSI and as such is not included in the appendix.

Page C-1      Appendix C, Emergency Plan Procedures: This appendix was Revision 31 Appendix 3 and contains a list of applicable Emergency Plan Procedures (EPPs) and the section of the E-Plan each implements. EPPs related to plant emergency planning are no longer applicable. These plant-related procedures are: EPP-1, EPP-2, EPP-3, EPP-4, EPP-5, EPP-6, EPP-7, EPP-11, EPP-12, EPP-14, EPP-15, and EPP-17.

Page D-1      Appendix D, Emergency Kits and Supplies: This appendix was Revision 31 Appendix 2 and contains inventory lists for a Decontamination Kit, an Emergency Kit, and the Hospital Emergency Box Supplies. The kits are located in the plant Administration Building and will be used at the ISFSI if needed. The Hospital Emergency Box is located at Gundersen Lutheran Medical Center. These kits and supplies will be inventoried semi-annually, or after use, and replenished as necessary.

The changes from Revision 31 Appendix 2 are that a Decontamination Kit in the plant Turbine Building is no longer required as the building will be vacated for D&D. Radiation protection equipment will be readily available to support the D&D effort without the need for a portable kit. An Emergency Monitoring Field Team Kit will no longer be required with all spent fuel in dry cask storage at the ISFSI. Any on-site or near site monitoring will be performed in accordance with the Radiation Protection Program. The equipment and supplies will be inventoried semi-annually instead of quarterly which is sufficient with the reduction in risk associated with all spent fuel in dry cask storage at the ISFSI.

#### **4.0      TECHNICAL ANALYSIS**

Dairyland Power Cooperative (DPC) is holder of Possession-Only License DPR-45 for the La Crosse Boiling Water Reactor (LACBWR) plant. The license, pursuant to the Atomic Energy Act of 1954 and 10 CFR Part 50, allows DPC to possess spent nuclear fuel at the permanently shutdown and defueled LACBWR facility. The Reactor Pressure Vessel was removed and disposed of in 2007. All spent fuel has been transferred to an onsite Independent Spent Fuel Storage Installation (ISFSI) under the general license provisions of 10 CFR 72, Subpart K. Dismantlement and decommissioning of the LACBWR plant continues with immediate efforts focused on metal removal.

The SAFSTOR Emergency Plan (E-Plan) for LACBWR (Revision 10) was approved by the NRC July 8, 1988 (Reference 1). The Safety Evaluation Report (SER) documented for this approval established emergency planning requirements for LACBWR as documented in the approved Emergency Plan. Since the approval and SER for Revision 10 of the LACBWR E-Plan, DPC has not requested nor received substantive exemptions from emergency planning requirements. Revision 31 to the LACBWR E-Plan was submitted to the NRC June 20, 2011, and contained changes to establish ISFSI emergency planning requirements.

The current LACBWR E-Plan continues to meet the emergency planning requirements contained in 10 CFR 50 that are applicable to the permanently shutdown and defueled condition of the plant. DPC has requested exemptions (Reference 2) from emergency planning requirements in 10 CFR 50.47 and in 10 CFR 50 Appendix E that are not applicable to a plant in an advanced stage of decommissioning with all spent fuel stored at the ISFSI. The current and proposed exemptions are incorporated by reference in this submittal and should be used as further justification for NRC approval of this proposed change to the LACBWR Emergency Plan.

## 5.0 REGULATORY ANALYSIS

### 5.1 Applicable Regulatory Requirements and Criteria

10 CFR 50.54(q) – *Conditions of Licenses – Emergency Plans* – Requires that a License Amendment Request be submitted to the NRC for approval prior to implementation of changes to the Emergency Plan which are considered to constitute a "reduction in effectiveness."

10 CFR 50.47 – *Emergency Plans* – All Sections as exempted.

10 CFR 50 Appendix E – *Emergency Planning and Preparedness for Production and Utilization Facilities* – All Sections as exempted.

The proposed change to the Emergency Plan continues to implement the applicable requirements of the regulations cited above as noted in the existing and pending exemptions for emergency planning. Therefore, the revised Emergency Plan provides reasonable assurance that public health and safety is not endangered by operation of the LACBWR and continues to satisfy the planning standards set forth in 10 CFR 50.47(b) and 10 CFR 50 Appendix E.

### 5.2 No Significant Hazards Consideration

In accordance with 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," DPC requests an amendment to Possession-Only License DPR-45 for the La Crosse Boiling Water Reactor. The proposed amendment would revise the Emergency Plan to reflect the current state of plant decommissioning and to reflect that all spent fuel has been transferred to the ISFSI. DPC has evaluated whether a significant hazards consideration is involved with the proposed amendment by focusing on the three conditions set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

5.2.1 Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

DPC has in effect an NRC-approved E-Plan. There are no longer credible events that would result in doses to the public beyond the owner controlled area boundary that would exceed the EPA PAGs. LACBWR was shutdown 25 years ago. Emergency Planning Zones beyond the owner controlled area and the associated protective actions are no longer required. No headquarters personnel, personnel involved in off-site dose projections, or personnel with special qualifications are required to augment the LACBWR Emergency Response Organization. The credible events for the ISFSI remain unchanged. The indications of damage to a loaded cask confinement boundary have been revised to be twice the technical specification limit for contact dose. This change is consistent with industry practices previously approved by the NRC for other ISFSIs to be able to distinguish that a degraded condition exists.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

5.2.2 Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

DPC has in effect an NRC-approved E-Plan. There are no longer credible events that would result in doses to the public beyond the owner controlled area boundary that would exceed the EPA PAGs. LACBWR was shutdown 25 years ago. Emergency Planning Zones beyond the owner controlled area and the associated protective actions are no longer required. No headquarters personnel, personnel involved in off-site dose projections, or personnel with special qualifications are required to augment the LACBWR Emergency Response Organization. The advanced state of decommissioning is reflected in the updated and revised ODCM which shows that there are no longer any events at the former plant that could exceed the EPA PAGs for dose to a member of the public.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

5.2.3 Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. DPC has in effect an NRC-approved E-Plan. There are no longer credible events that would result in doses to the public beyond the owner controlled area boundary that would exceed the EPA PAGs. LACBWR was shutdown 25 years ago. Emergency Planning Zones beyond the owner controlled area and the associated protective actions are no longer required. No headquarters personnel, personnel involved in offsite dose projections, or personnel with special qualifications are required to augment the LACBWR Emergency Response Organization. The advanced state of decommissioning is reflected in the updated and revised ODCM which shows that there are no longer any events at the former plant that could exceed the EPA PAGs for dose to a member of the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, DPC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified.

### 5.3 Conclusions

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) 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.

## **6.0 ENVIRONMENTAL CONSIDERATION**

A review has determined that the proposed amendment would change the LACBWR Emergency Plan with respect to the current state of plant decommissioning and to reflect that all spent fuel has been moved to the ISFSI. However, the proposed amendment does not involve (i) a significant hazards consideration, (ii) a significant change in the types or a significant increase in the amounts of any effluent that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

## **7.0 REFERENCES**

- 7.1 Letter, NRC to DPC dated July 8, 1988, Approval of Emergency Plan (Revision 10)
- 7.2 Letter, DPC to NRC (LAC-14241) dated June 18, 2012, Request for Exemption from Emergency Planning Requirements