



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	Docket No. 50-409
	)	Amendment to
DAIRYLAND POWER COOPERATIVE	)	Provisional Operating
	)	License No. DPR-45
(La Crosse Boiling Water Reactor)	)	(Spent Fuel Pool)

APPLICANT'S PROPOSED CONCLUSIONS  
OF LAW AND PROPOSED FORM OF ORDER

Pursuant to 10 C.F.R. § 2.754, Dairyland Power Cooperative, the Applicant for an amendment to Provisional Operating License No. DPR-45 in the above-referenced proceeding, hereby submits its proposed conclusions of law and proposed form of order, as follows:

CONCLUSIONS OF LAW

Based upon its evaluation of the Staff's Safety Evaluation and Environmental Impact Appraisal, the Licensee's safety evaluation, the affidavits submitted in connection with the summary disposition motions, the written testimony of all of the witnesses, as well as the answers elicited from these witnesses in response to questions of the Board and the parties, the Board makes the following conclusions of law:

1. There is reasonable assurance that the activities authorized by the requested operating license amendment relating to the expansion of the spent fuel storage pool capacity at the La Crosse Boiling Water Reactor can be conducted without endangering the health and safety of the public;

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2. The activities authorized by the operating license amendment will be conducted in compliance with the Commission's regulations;
3. The issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
4. The issuance of the license amendment is not a major Commission action significantly affecting the quality of the human environment and does not require the preparation of an environmental impact statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, et seq., and Part 51 of the Commission's regulations, 10 C.F.R. Part 51.

FORM OF ORDER

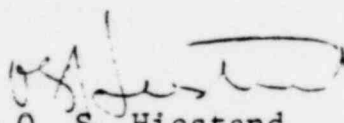
Wherefore, the Board having considered and decided all matters in controversy among the parties and having satisfied its own concerns with respect to other issues in this proceeding, it is ORDERED, in accordance with the Atomic Energy Act, as amended, and the regulations of the Nuclear Regulatory Commission, that the Director of Nuclear Reactor Regulation is authorized to make appropriate findings in accordance with the Commission's regulations and to issue a license amendment authorizing the requested expansion of the spent fuel storage pool capacity at the La Crosse Boiling Water Reactor.

It is further ORDERED, in accordance with 10 C.F.R. 2.760, 2.762, 2.764, 2.785, and 2.786, that this Initial Decision shall be effective immediately and shall constitute the final action of the Commission forty-five (45) days after the issuance thereof, subject to any review pursuant to the above-cited Rules of Practice. Exceptions to this Initial Decision may be filed within ten (10) days after service of this Initial Decision. A brief in support of the exceptions shall be

filed within thirty (30) days thereafter (forty (40) days in the case of the NRC Staff). Within thirty (30) days of the filing and service of the brief of the Appellant (forty (40) days in the case of the NRC Staff), any other party may file a brief in support of, or in opposition to, the exceptions.

IT IS SO ORDERED.

Respectfully submitted,



O. S. Hiestand  
Attorney for  
Dairyland Power Cooperative

OF COUNSEL

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Dated: October 16, 1979

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CERTIFICATE OF SERVICE

Service has on this day been effected by  
personal delivery or first class mail on the following  
persons:

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U.S. Nuclear Regulatory  
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Dated: October 16, 1979

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