

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-409

DAIRYLAND POWER COOPERATIVE

NOTICE OF ISSUANCE OF AMENDMENT TO PROVISIONAL OPERATING LICENSE AND NEGATIVE DE LARATION

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which amended the license and its appended Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment approves the design concept of the crash pad and modifies the Technical Specifications to allow increase in the capacity of the spent fuel storage pool from 134 to 440 fuel assemblies, in accordance with the Atomic Safety and Licensing Board's (ASLB) Initial Decision dated January 10, 1980, as modified January 17,1980. The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

Moreover, the amendment approves flexible license provisions and Technical Specifications for the receipt, possession and use of special nuclear, byproduct and source materials.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

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On May 25, 1978, the Commission published notice in the <u>Federal</u> <u>Register</u>, 43 FR 22462 that the Commission was considering issuance of an amendment to the provisional operating license which would allow modification of the spent fuel storage pool at the facility, and that an opportunity for intervention and hearing was being provided for those making a sufficient showing of interest in the proceeding. Subsequently the Coulee Region Energy Coalition (CREC) petitioned to intervene and requested a hearing. The petitioner was admitted as a party and a notice of future evidentiary hearing was published on August 4, 1978 (43 FR 34564). CREC, the intervenor, submitted contentions, five of which were admitted for litigation. The Commission's staff and the licensee submitted motic . for Summary Disposition of all the contentions and the motions were granted on September 21,1979, at the prehearing conference (Prehearing Conference Tr. 393,417).

Prior public notice of consideration for the approval of the flexible materials provisions and the related Technical Specifications was not required since this portion of the action does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications pertaining to the spent fuel pool expansion and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Draft Environmental Statement for the facility issued in June 1976.

The Commission has determined that the flexible materials provisions and the related Technical Specifications will not result in any significant

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environmental impact and that pursuant to ' CFR \$51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this portion of the action.

For further details with respect to this action, see (1) the application for amendment dated April 20, 1978, and letters dated June 7, July 11, August 7, September 25, October 4, October 26, November 20 and 29, 1978; January 4, January 31, February 14, March 1, May 17, June 26, July 11, and August 6, 1979, (2) ASLB's Initial Decision dated January 10, 1980, and a correction thereto dated January 17, 1980, (3) Amendment No. 18 to License No. DPR-45, including the Commission's letter of transmittal, (4) the Commission's related Safety Evaluation, dated July 13, 1979, as revised January , 1980, and (5) the Commission's Environmental Impact Appraisal, dated July 13, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W. Washington, D. C. and at the La Crosse Public Library, 800 Main Street, in Crosse, Wisconsin, 54601. A copy of items (2), (3), (4) and (5) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Mary' and, this 4th day of February, 1980

FOR THE NUCLEAR REGULATORY COMMISSION

Dennis L. Ziemann, Ohief Operating Reactors Branch #2 Division of Operating Reactors