

Jeremy Browning
Chief Nuclear Officer



April 16, 2024

In reply, please refer to LAC-14548

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk Washington, DC 20555
La Crosse Boiling Water Reactor Independent Spent Fuel Storage Installation
NRC Docket Nos. 50-409 and 72-046

SUBJECT: Supplemental Information Letter for Part 73 Exemption Request – Responses to Request for Confirmatory Information

REFERENCE: Letter, J. Browning (Dairyland Power Cooperative) to NRC, "Request for Exemption from Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Implementation," dated November 15, 2023, ML23341A022.

By letter dated November 15, 2023 (Reference), Dairyland Power Cooperative submitted a request for La Crosse Boiling Water (LACBWR) Independent Spent Fuel Storage Installation (ISFSI) for exemption from the compliance date of January 8, 2024, for the new security rule, "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications."

During review of the exemption request it was noted that additional information would be required to provide clarification for the request. On April 2, 2024, a clarification call was conducted with the NRC and the LACBWR ISFSI staff, to discuss supplemental information that would be required for the request. This letter and attachment serve as a supplement to provide the additional information, by providing a revised Section C "Considerations For Exemption".

If you have any questions, please contact Mr. Marty Moe, ISFSI Manager, at (608) 689-4263.

There are no new commitments being made to the U.S. Nuclear Regulatory Commission by this letter.

Respectfully,

Jeremy Browning
Chief Nuclear Officer
Dairyland Power Cooperative

A Touchstone Energy® Cooperative

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-787-1258 • 608-787-1420 fax • www.dairylandpower.com
Dairyland Power Cooperative is an equal opportunity provider and employer.



JRB:MGM:tco

Enclosure

Revised Section C "Considerations For Exemption"

cc:

Bernard White
NRC Project Manager

Kristina Banovac
NRC Project Manager

Tilda Lui
NRC Project Manager

Vince Williams
NRC NSIR Security

Eugenio Bonano
Region III Security

Joe Willis
NRC NSIR Security

Jack Giessner
Regional Administrator

Yaira Diaz Sanabria
Division of Fuel Management

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-787-1258 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

C. CONSIDERATIONS FOR EXEMPTION

As highlighted in the selected examples above, DPC was moving towards a compliance date of January 8, 2023, without full clarity on key parts of the final rule would result in an inadequate implementation. Unknown success path towards compliance of the final rule, as written, in current code language; along with the conflict and confusion the published, publicly available, stated positions of the NRC, are key elements for this request. DPC would find themselves in a situation where the modification to security plans and procedures would be required at least twice, based on interpretation of this new rule. DPC is requesting the following considerations be taken into account during review of this request:

- DPC will continue to utilize the Corrective Action Program to document Conditions Adverse to Regulatory Compliance which includes Security related items, which will not change in the interim until the new compliance date.
- DPC will continue to comply with security event reporting, as it existed prior to March 2023, in 10 CFR 73.71, "Reporting of Safeguards Events," as well as appendix G to part 73 "Reportable Safeguards Events" which will not change in the interim until the new compliance date.
- DPC will use the definition of Contraband and Time of Discovery as defined in NEI 03-12 revision 7 which will not change in the interim until the new compliance date.
- DPC is currently capable of making voluntary reports of suspicious activities, and this will not change in the interim until the new compliance date.
- DPC believes the burden associated with rework is unnecessary while we await final clarity with publication of associated Regulatory Guides. Several examples of where rework will be required are:
 - Revisions of associated procedures/processes, job aids, training materials and lesson plans that are used to describe and elaborate on reporting requirements.
 - The re-training of impacted ISFSI personnel with updated information contained within the revised guidance documents:
 - Security
 - Regulatory/Compliance
 - Emergency Response
 - Radiation Protection