



September 19, 2012

In reply, please refer to LAC-14254

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  
Request for Rescission of NRC Orders EA-02-077 and EA-03-099

REFERENCE: 1) Letter, NRC to DPC, dated June 20, 2012, "La Crosse Boiling Water Reactor – Issuance of Exemption from Certain Requirements of 10 CFR 73.55 (TAC No. J00388)"

The security requirements of NRC Order EA-02-077, "Interim Compensatory Measures for the Current Threat Environment," and NRC Order EA-03-099, "Issuance of Order for Implementation of Additional Security Measures Associated with Access Authorization, Fitness for Duty and Behavior Observation," are applicable to LACBWR as long as spent fuel is stored in the spent fuel pool. As of September 19, 2012, Dairyland Power Cooperative (DPC) has completed the transfer of all spent nuclear fuel from the LACBWR spent fuel pool to dry cask storage at the on-site Independent Spent Fuel Storage Installation (ISFSI).

As a result of the completion of spent fuel transfer to dry cask storage at the ISFSI, the scope of NRC Orders EA-02-077 and EA-03-099 is no longer applicable to LACBWR. Continued application of the requirements of NRC Orders EA-02-077 and EA-03-099 to LACBWR is no longer necessary to achieve the underlying purpose of the orders after spent fuel is in dry cask storage at the LACBWR ISFSI. Consequently, DPC requests the NRC to rescind Orders EA-02-077 and EA-03-099 for LACBWR, effective immediately.

Protection of the spent fuel in dry cask storage at the LACBWR ISFSI shall continue in accordance with the Physical Security Plan for the La Crosse Boiling Water Reactor (revised February 2011); Addendum III, "ISFSI Security Plan," which includes Appendix I, "ISFSI Contingency Plan," and Appendix II, "ISFSI Training & Qualification Plan." The LACBWR Physical Security Plan complies with the requirements 10 CFR 73.55, as exempted by Reference 1.

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

Sincerely,

*William L Berg*

William L. Berg, President and CEO

WLB:JBM:jkl

cc: John Hickman  
Project Manager  
U.S. Nuclear Regulator Commission

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STATE OF WISCONSIN     )  
  )  
COUNTY OF LA CROSSE    )

Personally came before me this day of September 19, 2012, the above named, William L. Berg, to me known to be the person who executed the foregoing instrument and acknowledged the same.

MICHELLE A. BECK  
Notary Public  
State of Wisconsin

*Michelle A. Beck*  
Notary Public, La Crosse County Wisconsin

My commission expires 03.13.16