



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 31, 2016

Ms. Barbara A. Nick  
President and Chief Executive Officer  
Dairyland Power Cooperative  
3200 East Avenue South  
P.O. Box 817  
La Crosse, WI 54602-0817

SUBJECT: LA CROSSE BOILING WATER REACTOR – WITHDRAWAL OF CONFIRMATORY ORDER (CAC NO. L53078)

Dear Ms. Nick:

On August 28, 1973, the Atomic Energy Commission, the predecessor of the U.S. Nuclear Regulatory Commission (NRC), issued Facility License No. DPR-45 for the operation of the La Crosse Boiling Water Reactor (LACBWR) in Genoa, Wisconsin, to the Dairyland Power Cooperative (Dairyland, the licensee). The licensee's authority to operate under DPR-45 was terminated by license amendment No. 56, dated August 4, 1987.

By letter dated August 7, 1991, the NRC approved the Decommissioning Plan for LACBWR and issued an Order authorizing Dairyland to commence decommissioning of the LACBWR facility. On September 15, 1994, in response to a request from the licensee, the NRC issued a Confirmatory Order Modifying the NRC Order Authorizing Decommissioning of Facility in order to incorporate a procedure by which the licensee is allowed to make changes to the facility or procedures described in the Decommissioning Plan, as well as conduct certain tests and experiments not described in the Decommissioning Plan, without prior NRC approval.

In short, the September 15, 1994, Confirmatory Order put in place a change procedure whereby the licensee could make changes to the facility without prior NRC approval using an approach similar to that found in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.59, "Changes, Tests, and Experiments," and 10 CFR 72.48, "Changes, Tests, and Experiments," which applies the same approach for the operation of an Independent Spent Fuel Storage Installation (ISFSI).

In addition to modifying the original Decommissioning Order to incorporate a change procedure, the September 15, 1994, Confirmatory Order contains a provision that states:

Notwithstanding the above, a reduction in site staffing levels below the minimum number for any group or area shown on the organization chart in the LACBWR Decommissioning Plan, or a change in the reporting relationships for the Plant Manager must be submitted to the NRC as specified in 10 CFR 50.4, and receive NRC approval prior to implementation.

This provision requires that any time the licensee makes a change to the Quality Assurance Program Description (QAPD) that impacts the site staffing levels or the reporting relationship of

the Plant Manager, Dairyland must submit the change to the NRC for prior review and approval before the change can be implemented. This provision was put in place in response to a July 1, 1994, Severity Level IV Notice of Violation citing a reduction in the effectiveness of the safety of the facility due the reporting structure for the Plant Manager being inconsistent between the LACBWR Decommissioning Plan and the QAPD.

By letter dated September 1, 2015, Dairyland requested rescission of the September 15, 1994, Confirmatory Order based on (1) the organizational structure of the facility is no longer reflected in the LACBWR Decommissioning Plan but only in the QAPD, which implements the appropriate reporting structure for the Plant Manager; and (2) all other elements contained in the Confirmatory Order relating to the change procedure are captured in the QAPD, the Post Shutdown Decommissioning Activities Report (PSDAR), which replaced the Decommissioning Plan, and supporting documents, including the appropriate approach to making changes to the facility under 10 CFR 50.59 and 10 CFR 72.48 and the associated reporting requirements. Changes to these documents are controlled by 10 CFR 50.54(a), 10 CFR 50.59, and 10 CFR 50.82, making the requirements in the Order redundant to existing commitments in the QAPD and PSDAR and to the regulatory controls for making changes to these documents.

The NRC staff has evaluated the licensee's proposal and determined: (1) the change and test or experiment control restrictions imposed by the order are redundant to the change control requirements in 10 CFR 50.59 and 10 CFR 72.48, and are therefore unnecessary; (2) the records control restrictions imposed by the order are redundant to the records requirements in 10 CFR 50.71(c); 10 CFR Part 50, Appendix A; 10 CFR Part 50, Appendix B; and 10 CFR 50.59(d)(3), and are therefore unnecessary; and (3) the staffing requirements imposed by the order are now included in the LACBWR QAPD and PSDAR and changes to these documents are adequately controlled by 10 CFR 50.54(a), 10 CFR 50.59, and 10 CFR 50.82.

Therefore, the NRC staff concludes that good cause has been demonstrated to withdraw the September 15, 1994, Confirmatory Order Modifying the NRC Order Authorizing Decommissioning of Facility for LACBWR. Accordingly, after consultation with the Director, Office of Enforcement, I hereby withdraw, in its entirety, the LACBWR Confirmatory Order Modifying the NRC Order Authorizing Decommissioning of Facility.

Sincerely,

*/RA/*

Scott W. Moore, Acting Director  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 50-409 and 72-046  
License No. DPR-45

cc: La Crosse Boiling Water  
Reactor Service List

the Plant Manager, Dairyland must submit the change to the NRC for prior review and approval before the change can be implemented. This provision was put in place in response to a July 1, 1994, Severity Level IV Notice of Violation citing a reduction in the effectiveness of the safety of the facility due the reporting structure for the Plant Manager being inconsistent between the LACBWR Decommissioning Plan and the QAPD.

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Sincerely,

/RA/

Scott W. Moore, Acting Director  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 50-409 and 72-046  
License No. DPR-45

cc: La Crosse Boiling Water  
Reactor Service List

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