

March 17, 2017

Mr. Wilfrid Cleveland, President  
Ho-Chunk Nation  
P.O. Box 667  
Black River Falls, WI 54615

SUBJECT: SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC  
PRESERVATION ACT REGARDING THE LICENSE TERMINATION PLAN  
FOR THE LACROSSE BOILING WATER REACTOR  
(LICENSE NUMBER DPR-45)

Dear President Cleveland:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing a license amendment request, dated June 27, 2016, from LaCrosse *Solutions*, LLC (Solutions) related to the LaCrosse Boiling Water Reactor (LACBWR). Solutions is requesting the NRC's approval of a License Termination Plan (LTP) for the LACBWR. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the NRC requests to consult with your Tribe concerning the license amendment request and its impact to historic properties, including those that may be of religious and cultural significance to Native American tribes.

The LACBWR is located in Vernon County, Wisconsin, along the eastern shore of the Mississippi River. It lies about 1 mile south of the Village of Genoa and approximately 19 miles south of the city of La Crosse, Wisconsin. Enclosure 1 provides a detailed map of the site location and nearby prominent features. LACBWR has not operated since 1987 and has been undergoing decommissioning since 2007. All spent nuclear fuel was transferred to onsite dry cask storage in 2012, also known as an independent spent fuel storage installation (ISFSI), which will remain after decommissioning.

The Atomic Energy Act of 1954, as amended, authorizes the NRC to both license and terminate licenses of facilities that meet the NRC regulatory requirements designed to protect public health and safety and the environment from radiological hazards. Solutions submitted the LTP in accordance with Title 10 of the Code of Federal Regulations (CFR) § 50.82, "Termination of License," paragraph (a)(9). The NRC, when it approves an LTP, is approving the following: (a) the adequacy of the licensee's decommissioning funding plan to assure that sufficient funding is available to complete the remaining radiological remediation activities; (b) the radiation-release criteria for license termination; and (c) the adequacy of the design of the final site survey to verify that the radiological release criteria have been met. The final status survey is the radiological survey performed after an area has been fully characterized, remediation has been completed, and the area is ready to be released. In accordance with 10 CFR § 50.82(a)(11), the NRC shall terminate the LACBWR reactor operating licenses (except for the LACBWR ISFSI) upon Solutions' demonstration, through its final site radiation survey, that it has met the radiological release criteria of 10 CFR § 20.1402. The portion of the site associated with the ISFSI will remain under restricted use.

In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the agency's regulations in 10 CFR Part 51, the NRC staff is preparing an Environmental Assessment (EA) to assess the potential environmental impacts that could result from the implementation of the LTP as well as remaining decommissioning and dismantling activities. In preparation of the EA, the NRC staff is also looking at the potential impacts on historic and cultural resources at the site, as required under the NHPA.

For the operation of the LACBWR, the NRC issued a Final Environment Statement (FES) in April 1980 (ADAMS Accession No. ML17038A257). In the FES, the NRC concluded there were no historic properties present to be affected by the operation of the LACBWR. However, in accordance with Section 106 of the NHPA, the NRC staff solicits your input as to whether historic resources, specifically those of religious and cultural significance to your Tribe, could be affected by this project. If your tribe determines there are historic and cultural properties within the LACBWR site boundary that it wants to bring to the attention of the NRC, please submit any comments or information that you may wish to offer in writing or by phone within 30 days of receipt of this letter. Please note, the NRC considers the actual termination of the operating license itself, as opposed to the approval of the LTP, to be a ministerial action, with no further NHPA Section 106 review or opportunity for hearing at that time. Notice of the license amendment request and the sixty day opportunity to request a hearing on the license amendment was published in the Federal Register on August 30, 2016 (81 FR 59659).

According to NRC policy, correspondence provided to the NRC, including those provided by e-mail, may be made publicly available. Therefore, the NRC recommends that the Tribe avoid including any information in its submission that your Tribal officials do not want to be publicly disclosed (e.g., personal e-mail addresses or other personal contact information). If your Tribal officials do not wish for their personal e-mail addresses to be made public, please use an alternate e-mail address when corresponding with the NRC.

For additional information regarding the proposed action, Solutions' license amendment application is publicly available from the NRC's Agency Wide Documents Access and Management System (ADAMS), which can be accessed online at: <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession number for Solutions' application is ML16200A095. If it is more convenient, you may also request that a hard copy of the license amendment application be mailed to you.

W. Cleveland

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If you have any questions or if your Tribe would like to provide information regarding the potential historic or cultural properties at LACBWR, please contact Ms. Jessie Muir Quintero of my staff via e-mail at [Jessie.Quintero@nrc.gov](mailto:Jessie.Quintero@nrc.gov) or by telephone at (301) 415-7476.

Sincerely,

**/RA/**

Craig G. Erlanger, Director  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 50-409  
License No.: DPR-45

cc: William Quakenbush, THPO

Enclosure:  
Site Regional Location Map

SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC PRESERVATION ACT  
REGARDING THE LICENSE TERMINATION PLAN FOR THE LACROSSE BOILING WATER  
REACTOR (LICENSE NUMBER DPR-45) DATED: March 2017

**ADAMS Accession Package Number: ML17053A160**

<b>OFC</b>	NMSS/FSCE/ERB	NMSS/FSCE/ERB	OGC	NMSS/FSCE/ERB	NMSS/FSCE
<b>NAME</b>	JMuir-Quintero with comments	AWalker-Smith	AWase via email	Croman via email wcomments	CErlanger
<b>DATE</b>	02/22/17	02/22/17	03/07/17	03/16/17	03/17/17

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