



10 CFR 50.80
10 CFR 50.90

LC-2018-0048

June 27, 2018

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

La Crosse Boiling Water Reactor
Facility Operating License No. DPR-45
NRC Docket Nos. 50-409 and 72-046

Subject: Application for Order Approving License Transfer and
Conforming Administrative License Amendments

References:

- 1) Letter from Barbara Nick, Dairyland Power Cooperative, to U.S. Nuclear Regulatory Commission, "Application for Order Approving License Transfer and Conforming Administrative License Amendments," dated October 8, 2015
- 2) Letter from Marlayna Vaaler, U.S. Nuclear Regulatory Commission, to Barbara A. Nick, Dairyland Power Cooperative, "Order Approving Transfer of License for the La Crosse Boiling Water Reactor from the Dairyland Power Cooperative to LaCrosseSolutions, LLC and Conforming Administrative License Amendment," dated May 20, 2016
- 3) Letter from Marlayna Vaaler, U.S. Nuclear Regulatory Commission, to Barbara A. Nick, Dairyland Power Cooperative, "Issuance of Conforming Amendment Regarding Direct Transfer of Possession Only from the Dairyland Power Cooperative to LaCrosseSolutions," dated June 1, 2016
- 4) Letter from Barbara Nick, Dairyland Power Cooperative, to U.S. Nuclear Regulatory Commission, "Decommissioning Funding Plan for Independent Spent Fuel Storage Installation," dated March 14, 2016

In accordance with Section 184 of the Atomic Energy Act and 10 CFR 50.80, LaCrosseSolutions, LLC ("Solutions") and Dairyland Power Cooperative ("Dairyland") (collectively, "Applicants") hereby submit the enclosed application ("Application") requesting that the U.S. Nuclear Regulatory Commission ("NRC") consent to the transfer of Solutions' Possession Only License No. DPR-45 (the "License") for the La Crosse Boiling Water Reactor facility ("LACBWR" or the "LACBWR Site") to Dairyland. The Applicants request that the NRC consent to the transfer of Solutions' licensed possession, maintenance, and decommissioning authorities to Dairyland following completion of decommissioning activities at the LACBWR Site. Dairyland is currently the licensed owner of the site; it holds title to and ownership of the real estate encompassing most of the LACBWR Site, as well as leasehold interests for the remaining portions of the site, title to and ownership of the spent nuclear fuel, and title to and ownership of all improvements at the site. Solutions currently maintains a lease for above-ground LACBWR structures (other than the ISFSI) and previously assumed responsibility for all licensed activities at the LACBWR Site, including responsibility under the License to complete decommissioning.

S4601 State Highway 35, Genoa, WI 54632

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The LACBWR facility is an Atomic Energy Commission Demonstration Project Reactor, which went critical in 1967 and commenced commercial operation in November 1969 and which was capable of producing 50 megawatts. Dairyland purchased LACBWR in July 1973. LACBWR was shut down on April 30, 1987. Dairyland's SAFSTOR decommissioning plan ("DP") was approved on August 7, 1991. The DP is considered the post-shutdown decommissioning activities report ("PSDAR"). The PSDAR public meeting was held on May 13, 1998. All 333 spent nuclear fuel elements from LACBWR have been transferred from the Fuel Element Storage Well to dry cask storage at the on-site Independent Spent Fuel Storage Installation ("ISFSI") as of September 19, 2012. The site is in the final stages of radiological decommissioning, environmental remediation of the LABWR facility and site restoration. It is anticipated that site restoration will be complete no later than the end of the second quarter of 2019. Dairyland continues to operate the Genoa 3 coal-fired generating facility located at the site.

Under the terms of the previous license transfer transaction from Dairyland to Solutions, which are set forth in the Decommissioning Agreement (Reference 1), Solutions became the lead NRC licensee responsible for all activities under the LACBWR License. Solutions promptly commenced decommissioning of the LACBWR Site effective June 1, 2016, and will complete all activities necessary to terminate the License and release the LACBWR Site for unrestricted use as an industrial site no later than the end of the second quarter of 2019, except for a small area surrounding the ISFSI ("ISFSI Site") containing the spent nuclear fuel until its final disposition. Dairyland has remained the owner licensee and retained title to the spent nuclear fuel. Upon issuance of a license amendment providing for termination of the License, except for the ISFSI Site, Solutions is requesting transfer of the License back to Dairyland. Thereafter, Dairyland will maintain the ISFSI, and the ultimate disposition of the spent nuclear fuel will be provided for under the terms of Dairyland's Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the U.S. Department of Energy.

Dairyland has continued to maintain its nuclear decommissioning trust ("NDT") during the decommissioning phase, a grantor trust in which funds are segregated from its assets and outside its administrative control, in accordance with the requirements of 10 CFR 50.75(e)(1). In connection with the previous transfer to Solutions of possession, maintenance, and decommissioning authority for LACBWR, Dairyland entered into an Amended and Restated Nuclear Decommissioning Trust Agreement with its trustee ("AR NDT Agreement"). The AR NDT Agreement, which governs the NDT, specifies a designated account within the trust set aside for license termination activities, *i.e.*, decommissioning of LACBWR ("LACBWR Trust Account"). The terms of the Decommissioning Agreement required that Solutions perform radiological decommissioning, environmental remediation of the LACBWR facility, and other activities relating to LACBWR in order to be entitled to request that Dairyland authorize disbursement from the trust account to Solutions. A separate account in the trust holds the funds necessary for the ultimate decommissioning of the ISFSI Site and final license termination. Dairyland currently funds and will continue to fund the operation and maintenance of the ISFSI through its annual operating revenue. The most recent Decommissioning Fund Plan for the ISFSI was submitted March 14, 2016 (Reference 4). The next DPC Decommissioning Fund Plan submittal is scheduled for March 2019 in accordance with 10 CFR 72.30(c). This proposed license transfer does not result in a change of ownership of the DPC ISFSI trust fund.

Dairyland qualifies as an electric utility and it is exempt from financial qualifications review pursuant to 10 CFR 50.33(f). Because Dairyland is a domestic entity, the proposed transfer will not result in the license becoming owned, controlled, or dominated by a foreign entity. Dairyland has remained the owner licensee, and retains financial responsibility for several costs related to the NRC License, including maintenance and security for the ISFSI Site and related costs such as nuclear insurance, property taxes, emergency planning, utilities, and annual NRC fees.

Additional information pertaining to the proposed transfer of the License, including the information required under 10 CFR 50.80, is included in the Application. As that information demonstrates: (1) Dairyland has the requisite managerial, technical, and financial qualifications to be the licensed owner of the LACBWR site; (2) the material terms of the license will not be affected; and (3) ownership by Dairyland will not result in foreign ownership, control or domination of the licensee.

Applicants also request NRC approval of certain administrative amendments to conform the License to reflect the proposed transfer. The changes are shown in attachments to this letter. Administrative changes to documents other than the License will be necessary upon Dairyland's assumption of control over the LACBWR Site. Changes to documents as may be required by NRC regulations, including the Physical Security Plan, Quality Assurance, Program Description, and Emergency Plan will be completed and implemented at the time of license transfer.

In accordance with 10 CFR 50.91(b)(1), a copy of this submittal has been sent to the State of Wisconsin.

The proposed transfer of the LACBWR License to Dairyland has been unanimously approved by the boards of directors of both Dairyland and LaCrosseSolutions.

Applicants respectfully request that the NRC review and complete action expeditiously on the enclosed Application toward issuance of the NRC consent to the transfer of the License to Dairyland. We are prepared to work closely with the NRC to facilitate the Application's review. Applicants request that the NRC issue an Order approving the amendments to the License to be made effective on the date of issuance and authorizing the transfers to take place at any time up to one year after the date of issuance of the Order consenting to them, contingent on NRC approval of reducing the Part 50 licensed area to the ISFSI area. NRC approval for the licensed area reduction will be made by separate correspondence containing the last Final Status Survey report in accordance with the approved License Termination Plan. Applicants also request that the License changes be made effective as of the date the transfer is completed. Applicants also request that at the time of the NRC approval for reduction of the Part 50 licensed area to the ISFSI area and approval for transfer of the License back to Dairyland, that the NRC issue written authorization for termination of Performance Bond No. 1905689 issued by The Hanover Insurance Company June 1, 2016 to secure the performance of Solutions under the Decommissioning Agreement for LACBWR.

Applicants will keep the NRC informed of any significant changes that could have an impact on the closing date. In summary, the proposed transfer of the License will not be inimical to the common defense and security or result in any undue risk to public health and safety, and the transfer will be consistent with the requirements of the Atomic Energy Act and the NRC regulations.

This Application contains no regulatory commitments.

In the event that the NRC has any questions about the proposed transaction described in this letter and in the Application or wishes to obtain any additional information about the transfer of the License, please contact Gerard van Noordennen (Solutions) at (860) 462-9707 or gpvannoordennen@energysolutions.com or John Carr (Dairyland) at (608) 787-1298 or john.carr@dairylandpower.com.

Service upon the Applicants of any notices, comments, hearing requests, intervention petitions, or other pleadings should be made to:

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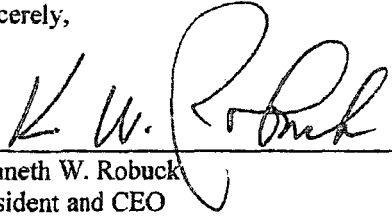
For Dairyland:


Barbara A. Nick
President and CEO
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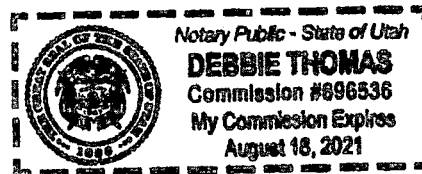
In addition, please place Ms. Nick and Messrs. Workman, Potter, and Zarembo on the NRC correspondence distribution for all correspondence received and sent.

Sincerely,


Kenneth W. Robuck
President and CEO
EnergySolutions


Barbara Nick
President and CEO
Dairyland Power Cooperative

Subscribed and sworn/affirmed to
before me on this 27th day of
June, 2018,
by Kenneth W. Robuck
Debbie Thomas
Notary Public
8-18-2021
My Commission Expires



Attachments:

- Attachment 1 - Application for Order Approving License Transfer and Conforming License Amendments (NRC Facility Operating License No. DPR-45)
- Attachment 2 - Possession Only License (Changes)
- Attachment 3 - Possession Only License (Clean Pages)
- Attachment 4 - Draft Amendment to Indemnity Agreement B-62

cc w/Attachments:

Marlayna Vaaler
Project Manager
U.S. Nuclear Regulatory Commission

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission

Paul Schmidt
Manager, Radiation Protection Section
State of Wisconsin

Service List (without attachments)

STATE OF WISCONSIN)
) SS.
COUNTY OF LA CROSSE)

Barbara Nick, being duly sworn according to law deposes and says:

I am President and CEO of Dairyland Power Cooperative, and as such, I am familiar with the contents of this correspondence and the attachments thereto, concerning the La Crosse Boiling Water Reactor, and the matters set forth therein regarding Dairyland Power Cooperative are true and correct to the best of my knowledge, information and belief.



Barbara Nick
President and CEO
Dairyland Power Cooperative

Subscribed and Sworn to before me
this 25th day of June, 2018



Notary Public of Wisconsin

My Commission Expires February 12, 2021

STATE OF UTAH)
) SS.
COUNTY OF SALT LAKE)

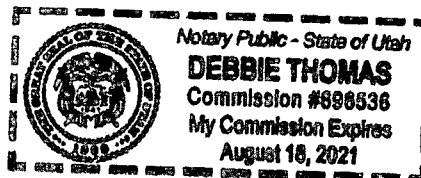
Kenneth W. Robuck, being duly sworn according to law deposes and says:

I am President and CEO of *EnergySolutions*, LLC, and, as such, I am familiar with the contents of this correspondence and the attachments thereto concerning the La Crosse Boiling Water Reactor, and the matters set forth therein regarding *EnergySolutions*, LLC, and *LaCrosse Solutions*, LLC are true and correct to the best of my knowledge, information and belief.



Kenneth W. Robuck
President and CEO
EnergySolutions

Subscribed and Sworn to before me
this 27 day of June 2018


Notary Public of Utah

La Crosse Boiling Water Reactor Service List

cc:

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Executive VP and Chief Nuclear Officer
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ATTACHMENT 1

**APPLICATION FOR ORDER APPROVING LICENSE TRANSFER
AND CONFORMING LICENSE AMENDMENT**

La Crosse Boiling Water Reactor

**NRC POSSESSION ONLY LICENSE NO. DPR-45
DOCKET NOS. 50-409 AND 72-046**

ATTACHMENT 1

Application for Order Approving License Transfer and Conforming License Amendment (NRC Possession Only License No. DPR-45)

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1. Introduction

In accordance with Section 184 of the Atomic Energy Act and 10 CFR 50.80, LaCrosseSolutions, LLC ("Solutions") and Dairyland Power Cooperative ("Dairyland") (collectively, "Applicants") hereby submit the enclosed application ("Application") requesting that the U.S. Nuclear Regulatory Commission ("NRC") consent to the transfer of Solutions' Possession Only License No. DPR-45 (the "License") for the La Crosse Boiling Water Reactor facility ("LACBWR" or the "LACBWR Site") to Dairyland. The Applicants request that the NRC consent to the transfer of Solutions' licensed possession, maintenance, and decommissioning authorities to Dairyland following completion of decommissioning activities at the LACBWR Site. Dairyland is currently the licensed owner of the site; it holds title to and ownership of the real estate encompassing most of the LACBWR Site, as well as leasehold interests for the remaining portions of the site, title to and ownership of the spent nuclear fuel, and title to and ownership of all improvements at the site. Solutions currently maintains a lease for above-ground LACBWR structures (other than the ISFSI) and previously assumed responsibility for all licensed activities at the LACBWR Site, including responsibility under the License to complete decommissioning. Solutions will relinquish any remaining leasehold rights it holds at the site upon the completion of its work under the Decommissioning Agreement.

The LACBWR facility is an Atomic Energy Commission Demonstration Project Reactor, which went critical in 1967 and commenced commercial operation in November 1969 and which was capable of producing 50 megawatts. Dairyland purchased LACBWR in July 1973. LACBWR was shut down on April 30, 1987. Dairyland's SAFSTOR decommissioning plan ("DP") was approved on August 7, 1991. The DP is considered the post-shutdown decommissioning activities report ("PSDAR"). The PSDAR public meeting was held on May 13, 1998. All 333 spent nuclear fuel elements from LACBWR have been transferred from the Fuel Element Storage Well to dry cask storage at the on-site Independent Spent Fuel Storage Installation ("ISFSI") as of September 19, 2012. The site is in the final stages of radiological decommissioning, environmental remediation of the facility, and site restoration. It is anticipated that site restoration will be complete no later than the end of second quarter of 2019. Dairyland continues to operate the Genoa 3 coal-fired generating facility and a large electric transmission substation located at the site.

Under the terms of the previous license transfer transaction from Dairyland to Solutions, which are set forth in the Decommissioning Agreement (Reference 1), Solutions became the lead NRC licensee responsible for all activities under the LACBWR License. Solutions promptly commenced decommissioning of the LACBWR Site effective June 1, 2016, and will complete all activities necessary to terminate the License and release the LACBWR Site for unrestricted use as an industrial site no later than the end of the second quarter of 2019, except for a small area surrounding the ISFSI ("ISFSI Site") containing the spent nuclear fuel until its final disposition. Dairyland has remained the owner licensee and retained title to the spent nuclear fuel. Upon issuance of a license amendment providing for termination of the License, except for the ISFSI Site, Solutions is requesting transfer of the License back to Dairyland. Thereafter, Dairyland will maintain the ISFSI, and the ultimate disposition of the spent nuclear fuel will be provided for under the terms of Dairyland's Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the U.S. Department of Energy.

Dairyland has continued to maintain its nuclear decommissioning trust ("NDT") during the decommissioning phase, a grantor trust in which funds are segregated from its assets and outside its administrative control, in accordance with the requirements of 10 CFR 50.75(e)(1). In connection with the previous transfer to Solutions of possession, maintenance, and decommissioning authority for LACBWR, Dairyland entered into an Amended and Restated Nuclear Decommissioning Trust Agreement with its trustee ("AR NDT Agreement"). The AR NDT Agreement, which governs the NDT, specifies a designated account within the trust set aside for license termination activities, *i.e.*, decommissioning of LACBWR ("LACBWR Trust Account"). The terms of the Decommissioning Agreement required that Solutions perform radiological decommissioning, environmental remediation of the LACBWR facility, and other activities relating to LACBWR in order to be entitled to request that Dairyland authorize disbursement from the trust account to Solutions. A separate account in the trust holds the funds necessary for the ultimate decommissioning of the ISFSI Site and final license termination. Dairyland currently funds and will continue to fund the operation and maintenance of the ISFSI through its annual operating revenue.

The information included in the Application demonstrates that Dairyland will have, at the closing date for the License transfer, the requisite technical qualifications to perform the required activities under the License.

Dairyland qualifies as an electric utility, and it is exempt from financial qualifications review pursuant to 10 CFR 50.33(f). Because Dairyland is a domestic entity, the proposed transfer will not result in the license becoming owned, controlled, or dominated by a foreign entity. Dairyland has remained the owner licensee, and retains financial responsibility for several costs related to the NRC License, including maintenance and security for the ISFSI Site and related costs such as nuclear insurance, property taxes, emergency planning, utilities, and annual NRC fees. Dairyland currently holds investment grade credit ratings of A+ (Standard & Poors) and A3 (Moody's).

Additional information pertaining to the proposed transfer of the License, including the information required under 10 CFR 50.80, is included in the Application. As that information demonstrates: (1) Dairyland has the requisite managerial, technical, and financial qualifications to be the licensed owner of the LACBWR site; (2) the material terms of the license will not be affected; and (3) ownership by Dairyland will not result in foreign ownership, control or domination of the licensee.

Applicants also request NRC approval of certain administrative amendments to conform the License to reflect the proposed transfer. The changes are shown in Attachment 2 to this Application. Administrative changes to documents other than the License will be necessary upon Dairyland's assumption of control over the LACBWR Site. Changes to documents as may be required by NRC regulations, including the Physical Security Plan, Quality Assurance, Program Description, and Emergency Plan will be completed and implemented at the time of license transfer.

2. Statement of Purpose of Transfer and Nature of the Transaction Making the Transfer Necessary or Desirable

The purpose of the transfer of the License from Solutions to Dairyland is to return the license to Dairyland following decommissioning of the LACBWR. Dairyland will assume possession of and managerial responsibility for all licensed activities. As the current owner, Dairyland is licensed to possess LACBWR.

Under the terms of the previous license transfer transaction from Dairyland to Solutions, which are set forth in the Decommissioning Agreement (Reference 1), Solutions became the lead NRC licensee responsible for all activities under the LACBWR License. Solutions will complete all activities necessary to terminate the License and release the LACBWR Site for unrestricted use as an industrial site no later than the end of the second quarter of 2019, except for a small area surrounding the ISFSI ("ISFSI Site") containing the spent nuclear fuel until its final disposition. Dairyland has remained the owner licensee and retained title to the spent nuclear fuel. Upon issuance of a license amendment providing for termination of the License, except for the ISFSI Site, Solutions is requesting transfer of the License back to Dairyland when the end state conditions have been met. Thereafter, Dairyland will maintain the ISFSI, and the ultimate disposition of the spent nuclear fuel will be provided for under the terms of Dairyland's Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the U.S. Department of Energy.

3. General Corporate Information Regarding Dairyland

a. General Corporate Information and Description of Business

Headquartered in La Crosse, Wisconsin, Dairyland is a Wisconsin generation and transmission electric cooperative that provides wholesale electricity to 24 member distribution cooperatives and 17 municipal utilities. Dairyland's service area encompasses 62 counties in four states (Wisconsin, Minnesota, Iowa, and Illinois). Dairyland generates and delivers electricity to its members via nearly 3,200 miles of transmission lines and 300 substations located throughout the system's 44,500 square mile service area. Dairyland's generation resources include coal, natural gas, hydro, wind, biomass, landfill gas, biogas and solar. The Genoa 3 generating station that shares the licensed site with LACBWR is one of Dairyland's major generation resources.

Dairyland is currently the licensed owner of LACBWR, which was permanently retired in 1987. In support of decommissioning, the responsibility for possession, maintenance and decommissioning LACBWR was previously transferred to Solutions.

b. No Foreign Ownership, Control or Domination

Dairyland is owned by its members, all of which are domestic cooperatives or municipalities located within the United States. Dairyland does not have any foreign owners, and it is not subject to foreign ownership, control or domination.

4. General Corporate Information Regarding EnergySolutions and Solutions

a. General Corporate Information and Description of Business

Solutions is a Delaware limited liability company and is a wholly owned subsidiary of EnergySolutions. Solutions was established for the sole purpose of decommissioning the LACBWR and performing other required activities under the Decommissioning Agreement (Reference 1).

b. No Foreign Ownership, Control, or Domination

Consistent with the requirements of 10 CFR 50.38, Solutions is not owned, controlled or dominated by an alien, a foreign corporation, or a foreign government. Solutions is a wholly owned subsidiary of EnergySolutions, LLC, which is owned by EnergySolutions, Inc. EnergySolutions, Inc. is a privately held company whose shares are directly owned by Rockwell Holdco, Inc. ("Rockwell").

5. Technical Qualifications

Solutions previously entered into a "Company Services Agreement" with Dairyland, pursuant to which Dairyland provides operations, maintenance, access control, and security services for the ISFSI site during the decommissioning. Dairyland has been and will continue to be responsible for the costs relating to the ISFSI Site. The Company Services Agreement is effectively an arrangement whereby Dairyland provides services in lieu of cash payment to Solutions for these costs. Dairyland's Genoa Site Manager has on-site responsibility for these services. In summary, Dairyland has been responsible for all ISFSI operations during decommissioning and will continue to do so following license transfer. They have demonstrated their managerial and technical qualifications to perform these functions throughout decommissioning.

6. Financial Qualifications

a. Dairyland Power Cooperative

As previously noted, Dairyland retained financial responsibility for several costs related to the NRC License, including maintenance and security for the ISFSI Site and related costs such as nuclear insurance, property taxes, emergency planning, utilities, and annual NRC fees. Following the license transfer to Solutions, Dairyland remained the licensed owner and remains financially qualified to meet its financial obligations. Dairyland qualifies as an electric utility that is exempt from financial qualifications review pursuant to 10 CFR 50.33(f). Dairyland's financial responsibilities related to the ISFSI will remain unchanged following the transfer of the license back to Dairyland. Dairyland currently holds investment grade credit ratings of A+ (Standard & Poors) and A3 (Moody's).

7. Restricted Data

The proposed transfer of ownership does not involve any Restricted Data or other Classified National Security Information or result in any change in access to such Restricted Data or Classified National Security Information. The existing restrictions on access to Restricted Data and Classified National Security Information are unaffected by the proposed transfer. In compliance with Section 145(a) of the Act and 10 CFR 95.35, the Applicants agree that restricted or classified defense information will not be provided to any individual until the Office of Personnel Management investigates and reports to the NRC on the character, associations, and loyalty of such individual, and the NRC determines that permitting such person to have access to Restricted Data will not endanger the common defense and security of the United States.

8. Other Nuclear Regulatory Issues

a. Price-Anderson Indemnity and Nuclear Insurance

In support of the license transfer to Solutions, the NRC previously amended the Price-Anderson indemnity agreement for the LACBWR to identify Solutions as the licensee upon the NRC consent to the transfer of the License. It is now requested that “LaCrosseSolutions, LLC” be removed from the indemnity agreement and replaced with “Dairyland Power Cooperative” in support of the license transfer back to Dairyland. Draft Amendment 9 to Indemnity Agreement B-62 is included as Attachment 4. Dairyland will continue to maintain the existing onsite property damage insurance coverage and the existing offsite nuclear liability coverage in accordance with the exemptions to 10 CFR 50.54(w) issued by the NRC in a letter dated June 26, 1986 and 10 CFR 140.12.

b. Standard Contract for Disposal of Spent Nuclear Fuel

Dairyland retains ownership of the spent nuclear fuel and will keep in effect its Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the Government for the disposal of spent nuclear fuel to be performed by the DOE (“Standard Contract”) and will retain all rights and obligations under that contract. This Standard Contract, No. DE-CR01-83NE44377, dated June 15, 1983, was entered into by Dairyland and the United States of America, represented by the DOE, to govern spent nuclear fuel generated at LACBWR. Dairyland maintains possession of the LACBWR spent nuclear fuel and is responsible for maintenance and security of the ISFSI Site under the Company Services Agreement with Solutions, subject to oversight by Solutions. Upon transfer of the License back to Dairyland, Dairyland will have exclusive responsibility under the NRC License for the possession and maintenance of the LACBWR Site, which includes responsibility to the NRC for the maintenance and security of the ISFSI Site.

Dairyland also retains its Standard Contract rights and title to the LACBWR spent nuclear fuel, consistent with the terms of Section 302(b)(4) of the Nuclear Waste Policy Act, which contemplates that Standard Contract rights flow with “title to the spent nuclear fuel or high level waste involved.” 42 U.S.C. § 10222(b)(4).

c. Exclusion Area Control

LACBWR does not currently have Exclusion Area Control, the reactor pressure vessel having been removed some years ago and there no longer being a regulatory requirement to maintain exclusion area control at LACBWR in accordance with the provisions of 10 CFR 100. The ISFSI will continue to be controlled per established security and radiological control measures.

d. QA Program

Upon consummation of the transfer, Dairyland will assume authority and responsibility for the functions necessary to fulfill the QA requirements of the Permanently Defueled Technical Specifications and as specified for LACBWR in the Quality Assurance Program Description (QAPD), Revision 29 (or later revision if effected). Solutions will transfer all of the current functions of the existing QA organization to Dairyland. No changes to the existing QA program for the LACBWR are anticipated beyond conforming changes consistent with the license transfer, but any changes that do occur will be made in accordance with 10 CFR 50.54(a) separate from this submittal.

e. Deletion of License Condition 2.C.4 Fire Protection

Upon completion of decommissioning the LACBWR facility, there will no longer be a radiological hazard that could be affected by a fire on the former plant site. All of the buildings that contained radioactive material will have been removed and the area surveyed to ensure unrestricted release criteria defined in 10 CFR 20 are met. The ISFSI has a separate fire protection program that is controlled by license requirements contained in the 10 CFR 72 Certificate of Compliance for the spent fuel storage systems. Therefore, the need for a fire protection license condition for the former LACBWR facility is no longer required and can be deleted from the license.

9. Requested Review Schedule and Other Required Approvals

Applicants respectfully request that the NRC review and complete action expeditiously on the enclosed Application toward issuance of the NRC consent to the transfer of the License to Dairyland. We are prepared to work closely with the NRC Staff to facilitate the Application's review. Applicants request that the NRC issue an Order authorizing the transfers to take place at any time up to one year after the date of issuance of the Order, or such later date as may be permitted by the NRC. Applicants also request that the License changes be made effective as of the License transfer closing date. The Applicants will advise the NRC if there are any significant changes that could have an impact on the Closing Date.

10. Regulatory Safety Analysis

The changes proposed for the LACBWR License are shown in Attachment 2, and clean pages are provided as Attachment 3 to the transmittal letter. The changes conform to the License to reflect the proposed transfer of authority and responsibility for licensed activities under the License to Dairyland. Consistent with the generic determination in 10 CFR 2.1315, "Generic determination regarding license amendments to reflect transfers," paragraph (a), the proposed conforming license amendment involves no significant hazards consideration, because it does no more than conform the license to reflect the transfer action.

The proposed license amendment does not involve any change in the design or licensing basis, plant configuration, the status of the LACBWR, or the requirements of the License.

Therefore, the proposed approval does not: (1) involve an increase in the probability or consequences of an accident previously analyzed; (2) create the possibility of a new or different kind of accident from the accidents previously evaluated; or (3) involve a significant reduction in a margin of safety.

11. Environmental Considerations

This Application and accompanying administrative amendments are exempt from environmental review, because they fall within the categorical exclusion appearing at 10 CFR 51.22(c)(21), "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," for which neither an Environmental Assessment nor an Environmental Impact Statement is required.

12. Summary

In summary, the proposed transfer of the License to Dairyland will be consistent with the requirements of the Atomic Energy Act, NRC regulations, and regulatory guidance. The transfer of the License will not be inimical to the common defense and security and does not involve foreign ownership, control or domination. Applicants therefore request that the NRC consent to the transfer in accordance with 10 CFR 50.80 and approve the conforming administrative amendment pursuant to 10 CFR 50.92.

ATTACHMENT 2

**APPLICATION FOR ORDER APPROVING LICENSE TRANSFER
AND CONFORMING LICENSE AMENDMENT**

POSSESSION LICENSE ONLY LICENSE (CHANGES)

LA CROSSE BOILING WATER REACTOR

**NRC POSSESSION ONLY LICENSE NO. DPR-45
DOCKET NOS. 50-409 AND 72-046**

Facility Operating License Changes

A. La Crosse Boiling Water Reactor

| License Section | Action Description |
|----------------------|--|
| Heading | Delete La Crosse <i>Solutions</i> , LLC and revise Amendment #. |
| Section 1.A | Change "Dairyland Power Cooperative (the owner)" to "Dairyland Power Cooperative ("the licensee)" Delete at the end "and the NRC subsequently approved the transfer of licensed responsibility for the La Crosse Boiling Water Reactor (herein "the facility" or "LACBWR") to La Crosse <i>Solutions</i> , LLC ("Solutions")" |
| Section 1.A footnote | Delete footnote 1: "Solutions is authorized to act for Dairyland Power Cooperative and has exclusive responsibility and control over the physical possession, maintenance, and decommissioning of the facility." |
| Section 1.E | Change "Solutions" to "The licensee" |
| Section 1.F | Change "owner" to "the licensee" |
| Section 2, heading | Delete "Solutions and" before "Dairyland Power Cooperative" |
| Section 2, A | Delete, after "(herein 'the facility' or 'LACBWR')", "which is possessed, maintained, and decommissioned by Solutions and" |
| Section 2.B | Add "the Dairyland Power Cooperative" |
| Section 2.B.(1) | Delete Section 2.B.(1) |
| Section 2.B.(2) | Re-number subsection 2.B.(2) as subsection 2.B.(1) and change "Dairyland Power Cooperative, pursuant to" to "Pursuant to" and change "possess" to "possess and maintain" |
| Section 2.B.(3) | Re-number subsection 2.B.(3) as subsection 2.B.(2) and change "Solutions, pursuant to" to "Pursuant to" |
| Section 2.B.(4) | Re-number subsection 2.B.(4) as subsection 2.B.(3) and change "Solutions, pursuant to" to "Pursuant to" |
| Section 2.B.(5) | Re-number subsection 2.B.(5) as subsection 2.B.(4) and change "Solutions, pursuant to" to "Pursuant to" |
| Section 2.B.(6) | Re-number subsection 2.B.(6) as subsection 2.B.(5) and change "Solutions, pursuant to" to "Pursuant to" |
| Section 2.C.(4) | Delete Section 2.C.(4) |

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

~~LA CROSSE SOLUTIONS, LLC~~

DAIRYLAND POWER COOPERATIVE

DOCKET NO. 50-409

LA CROSSE BOILING WATER REACTOR

POSSESSION ONLY LICENSE

Amendment No. ~~74~~**75**

License No. DPR-45

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by the Dairyland Power Cooperative (the ~~owner~~ **licensee**) dated April 10, 1996 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I, ~~and the NRC subsequently approved the transfer of licensed responsibility for the La Crosse Boiling Water Reactor (herein "the facility" or "LACBWR") to La Crosse Solutions, LLC (Solutions)~~¹;
 - B. Construction of the La Crosse Boiling Water Reactor has been substantially completed in conformity with Construction Authorization No. CAPR-5, the application, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - D. There is reasonable assurance: (i) that the activities authorized by this possession only license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - E. **Solutions** The licensee is technically and financially qualified to engage in the activities authorized by this possession only license in accordance with the rules and regulations of the Commission;
 - F. The ~~owner~~ **licensee** has satisfied the applicable provisions of 10 CFR Part 140 - "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public and does not involve a significant hazards consideration;

~~¹ Solutions is authorized to act for Dairyland Power Cooperative and has exclusive responsibility and control over the physical possession, maintenance and decommissioning of the facility.~~

- H. The receipt, possession, and use of byproduct, source and special nuclear materials as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31; and
 - I. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Possession Only License (POL) No. DPR-45, issued to ~~Solutions and~~ Dairyland Power Cooperative is hereby amended to read as follows:
- A. This license applies to the La Crosse Boiling Water Reactor (herein "the facility" or "LACBWR") ~~which is possessed, maintained and decommissioned by Solutions and~~ which is owned by the Dairyland Power Cooperative (DPC) and was formerly owned by the Commission and operated by DPC under the provisions of a Commission contract and Provisional Operating Authorization No. DPRA-6 issued on October 31, 1969 (Docket No. 115-5). The facility is located in Vernon County, Wisconsin on the east bank of the Mississippi River, approximately one mile south of Genoa, Wisconsin and is described in the Safeguards Report for Operating Authorization (hereinafter Safety Analysis Report) filed by the Allis-Chalmers Manufacturing Company, and subsequently converted to Provisional Operating License No. DPR-45 (Docket No. 50-409). By Amendment No. 63, dated August 18, 1988, the license was changed to Possession Only License No. DPR 45.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Dairyland Power Cooperative:
 - (1) ~~Solutions pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities", to possess, maintain and decommission the facility at the designated location in accordance with the procedures and limitations set forth in this license;~~
 - (1) ~~Dairyland Power Cooperative~~ Pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities", to possess and maintain the facility at the designated location in accordance with the procedures and limitations set forth in this license;
 - (2) ~~Solutions~~ Pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material used as reactor fuel, in accordance with the limitations for storage, as described in Section 2.2 FUEL STORAGE of Appendix A to this license;
 - (3) ~~Solutions~~ Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron or gamma sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) ~~Solutions~~ Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and

(5) ~~Solutions~~ p Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as were produced by the prior operation of the facility.

- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I; Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is not authorized to operate the reactor. Fuel may not be placed in the reactor vessel.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No: 74, are hereby incorporated in the license. The licensee shall possess and maintain the facility in accordance with the Technical Specifications.

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revision to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled, "LACBWR ISFSI Physical Security Plan," as revised and reflecting exemptions from 10 CFR 73.55 granted June 20, 2012).

(4) ~~Fire Protection~~ Deleted

~~The licensee shall implement and maintain in effect all provisions of the facility Fire Protection Program as described therein and as approved by the NRC.~~

~~The licensee may make changes to the approved Fire Protection Program without prior NRC approval if these changes do not decrease the effectiveness of fire protection for facilities, systems, and equipment which could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.~~

- D. This Possession only license supersedes and terminates in their entirety changes to the license issued in License Amendments: No. 17, July 27, 1979; No. 56, August 4, 1987; No. 61, May 18, 1988; No. 63, August 18, 1988; No. 66, August 7, 1991; and No. 69, April 11, 1997.
- E. This amended license is effective 30 days from the date of issuance and shall expire at midnight, March 29, 2031.

FOR THE NUCLEAR REGULATORY COMMISSION

Seymour H. Weiss, Director
Non-Power Reactors and Decommissioning Project
Directorate
Division of Reactor Project Management Office of
Nuclear Reactor Regulation

Attachment:
Appendix A - Technical Specifications

Date of Issuance: April 11, 1997

ATTACHMENT 3

**APPLICATION FOR ORDER APPROVING LICENSE TRANSFER
AND CONFORMING LICENSE AMENDMENT**

POSSESSION ONLY LICENSE (CLEAN PAGES)

LA CROSSE BOILING WATER REACTOR

**NRC POSSESSION ONLY LICENSE NO. DPR-45
DOCKET NOS. 50-409 AND 72-046**

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

DAIRYLAND POWER COOPERATIVE
DOCKET NO. 50-409
LA CROSSE BOILING WATER REACTOR
POSSESSION ONLY LICENSE

Amendment No. XX
License No. DPR-45

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by the Dairyland Power Cooperative (the licensee) dated April 10, 1996 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. Construction of the La Crosse Boiling Water Reactor has been substantially completed in conformity with Construction Authorization No. CAPR-5, the application, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - D. There is reasonable assurance: (i) that the activities authorized by this possession only license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - E. The licensee is technically and financially qualified to engage in the activities authorized by this possession only license in accordance with the rules and regulations of the Commission;
 - F. The licensee has satisfied the applicable provisions of 10 CFR Part 140 - "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public and does not involve a significant hazards consideration;

- H. The receipt, possession and use of byproduct, source and special nuclear materials as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31; and
 - I. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Possession Only License (POL) No. DPR-45, issued to Dairyland Power Cooperative is hereby amended to read as follows:
- A. This license applies to the La Crosse Boiling Water Reactor (herein "the facility" or "LACBWR") which is owned by the Dairyland Power Cooperative (DPC) and was formerly owned by the Commission and operated by DPC under the provisions of a Commission contract and Provisional Operating Authorization No. DPRA-6 issued on October 31, 1969 (Docket No. 115-5). The facility is located in Vernon County, Wisconsin on the east bank of the Mississippi River, approximately one mile south of Genoa, Wisconsin and is described in the Safeguards Report for Operating Authorization (hereinafter Safety Analysis Report) filed by the Allis-Chalmers Manufacturing Company, and subsequently converted to Provisional Operating License No. DPR-45 (Docket No. 50-409). By Amendment No. 63, dated August 18, 1988, the license was changed to Possession Only License No. DPR 45.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Dairyland Power Cooperative:
 - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities", to possess and maintain the facility at the designated location in accordance with the procedures and limitations set forth in this license;
 - (2) Pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material used as reactor fuel, in accordance with the limitations for storage, as described in Section 2.2 FUEL STORAGE of Appendix A to this license;
 - (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron or gamma sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and

- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as were produced by the prior operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I; Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is not authorized to operate the reactor. Fuel may not be placed in the reactor vessel.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No: 72, are hereby incorporated in the license. The licensee shall possess and maintain the facility in accordance with the Technical Specifications.

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revision to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled, "Physical Security Plan for La Crosse Boiling Water Reactor (LACBWR)," as revised and reflecting exemptions from 10 CFR 73.55 granted June 20, 2012).

(4) Deleted

- D. This Possession only license supersedes and terminates in their entirety changes to the license issued in License Amendments: No. 17, July 27, 1979; No. 56, August 4, 1987; No. 61, May 18, 1988; No. 63, August 18, 1988; No. 66, August 7, 1991; and No. 69, April 11, 1997.
- E. This amended license is effective 30 days from the date of issuance and shall expire at midnight, March 29, 2031.

FOR THE NUCLEAR REGULATORY COMMISSION

Seymour H. Weiss, Director
Non-Power Reactors and Decommissioning Project
Directorate
Division of Reactor Project Management Office of Nuclear
Reactor Regulation

Attachment:
Appendix A - Technical Specifications

Date of Issuance: April 11, 1997

ATTACHMENT 4

**APPLICATION FOR ORDER APPROVING LICENSE TRANSFER
AND CONFORMING LICENSE AMENDMENT**

**DRAFT AMENDMENT TO INDEMNITY AGREEMENT B-62
AMENDMENT NO. 9**

LA CROSSE BOILING WATER REACTOR

**NRC POSSESSION ONLY LICENSE NO. DPR-45
DOCKET NOS. 50-409 AND 72-046**

Docket No. 50-409

DRAFT

**AMENDMENT TO INDEMNITY AGREEMENT NO. B-62
AMENDMENT NO. 9**

Effective (insert date), Indemnity Agreement No. B-62, between *LaCrosseSolutions, LLC* and the United States Regulatory Commission, dated August 28, 1973 as amended, is hereby amended as follows:

Delete the name "LaCrosseSolutions, LLC" wherever it appears and replace with "Dairyland Power Cooperative."

Item 1 of the Attachment to the indemnity agreement is modified by making the following changes:

| | |
|-------------------|---|
| Item 1 – Licensee | Dairyland Power Cooperative |
| Address | 3200 East Avenue South La Crosse, Wisconsin 54602-0817 |

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

(Insert name and title)
Financial Analysis and International Projects Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Accepted _____
Date

By _____
Dairyland Power Cooperative

Accepted _____
Date

By _____
LaCrosseSolutions, LLC