



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

September 24, 2019

EA-19-077

Mr. John Sauger
Executive Vice President
Chief Nuclear Officer Reactor D&D
EnergySolutions
121 W. Trade Street, Suite 2700
Charlotte, NC 28202

SUBJECT: ORDER APPROVING TRANSFER OF THE LICENSE FOR THE LA CROSSE BOILING WATER REACTOR FROM LACROSSESOLUTIONS, LLC TO DAIRYLAND POWER COOPERATIVE AND CONFORMING ADMINISTRATIVE LICENSE AMENDMENT (CAC NO. 000083; EPID-L-2018-LNS-0002)

Dear Mr. Sauger:

By letter dated June 27, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18184A444), as supplemented by letter dated December 3, 2018 (ADAMS Accession No. ML18341A138), LaCrosseSolutions, LLC (LS) and Dairyland Power Cooperative (DPC) (collectively, the applicants) submitted an application, pursuant to Section 184 of the Atomic Energy Act of 1954, as amended, and Section 50.80, "Transfer of licenses," of Title 10 of the *Code of Federal Regulations* (10 CFR), requesting U.S. Nuclear Regulatory Commission (NRC) consent for the direct transfer of LS's Possession Only License No. DPR-45 for the La Crosse Boiling Water Reactor (LACBWR) to DPC.

Specifically, the applicants requested that the NRC consent to the transfer of LS's NRC-licensed possession, maintenance, and decommissioning authorities back to DPC upon the completion of decommissioning activities at the LACBWR site. The applicants also requested approval of a conforming amendment to the license pursuant to 10 CFR 50.80 and 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit." Notice of the application was published in the *Federal Register* (FR) on October 11, 2018 (83 FR 51509). The supplemental letter dated December 3, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's no significant hazards consideration determination.

DPC is currently the licensed owner of LACBWR; it holds title to and ownership of the real estate encompassing most of the LACBWR site, as well as lease hold 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 LACBWR site. LS currently maintains a lease for the above-ground LACBWR structures (other than the LACBWR independent spent fuel storage

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installation (ISFSI)) and previously assumed responsibility for all NRC-licensed activities at the LACBWR site, including responsibility under the license to complete decommissioning. LS will relinquish any remaining lease rights it holds at the site upon completion of decommissioning.

Upon the execution of the license transfer, DPC will maintain the onsite ISFSI and the ultimate disposition of the spent nuclear fuel will be provided for under the terms of DPC's Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste with the U.S. Department of Energy. DPC will also continue to maintain its nuclear decommissioning trust, an external trust in which funds are segregated from its assets and outside its administrative control.

The NRC staff has completed its review of the LACBWR license transfer application. Enclosure 1 is the Order, which provides consent to the proposed license transfer, subject to the condition described therein, and approves the conforming license amendment. Enclosure 2 provides the conforming amendment for LACBWR, which will be issued and become effective at the time the transfer is consummated. Enclosure 3 provides the NRC staff's safety evaluation (SE) related to the preceding actions. The SE will be placed in the NRC public document room and added to the ADAMS Publicly Available Records System Library.

A copy of the Order has been forwarded to the Office of the Federal Register for publication.

Should you have any questions concerning this action, please contact me at (301) 415-3178 or via e-mail at marlayna.doell@nrc.gov.

Sincerely,

/RA/

Marlayna Vaaler Doell, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 50-409 and 72-046

License No.: DPR-45

Enclosures:

1. Order
2. Conforming Amendment to DPR-45
3. Safety Evaluation

cc w/enclosures: La Crosse Boiling Water
Reactor Service List

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DATE: September 24, 2019

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ADAMS Accession Nos. Package: ML19008A393 Letter: ML19008A395
Order: ML19008A396 Amendment: ML19008A394
***by memo / e-mail SE: ML19008A397 FRN: ML19008A405**

OFFICE	NMSS/RDB/PM	NMSS/DUWP/LA	NRR/PFPB/BC	NMSS/RDB/BC	OGC – NLO
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DATE	1/8/2019	1/10/2019	4/12/2019	4/23/2019	6/7/2019
OFFICE	NMSS/DUWP/D	OE/D	NMSS/QTE	NMSS/D	NMSS/RDB/PM
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DATE	7/5/2019	7/15/2019	8/9/2019	9/24/2019	9/24/2019

OFFICIAL RECORD COPY

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