



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

March 15, 2023

Mr. Brent Ridge  
President and Chief Executive Officer  
Dairyland Power Cooperative  
3200 East Avenue South  
P.O. Box 817  
La Crosse, WI 54602-0817

Mr. John Sauger  
President and Chief Nuclear Officer  
Reactor D&D  
EnergySolutions, LLC  
121 West Trade Street, Suite 2700  
Charlotte, NC 28202

SUBJECT: LA CROSSE BOILING WATER REACTOR – ISSUANCE OF CONFORMING AMENDMENT REGARDING DIRECT TRANSFER OF POSSESSION ONLY LICENSE FROM LACROSSESOLUTIONS, LLC TO DAIRYLAND POWER COOPERATIVE (CAC NO. 000083; EPID-L-2018-LNS-0002)

Dear Brent Ridge and John Sauger:

By Order dated September 24, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML19008A393](#)), the U.S. Nuclear Regulatory Commission (NRC) approved the direct transfer of Possession Only License No. DPR-45, which is the Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," license for the La Crosse Boiling Water Reactor (LACBWR), held by LaCrosseSolutions, LLC (LS), to Dairyland Power Cooperative (DPC), and approved a conforming amendment. This action was taken pursuant to 10 CFR 50.80, "Transfer of licenses," and 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," to reflect the change in licensed authority for the LACBWR site. The transfer assigns LS's NRC-licensed possession, maintenance, and decommissioning authorities to DPC upon completion of reactor facility decommissioning and license termination activities at the LACBWR site. The Order approving the direct license transfer was published in the *Federal Register* (FR) on October 1, 2019 (84 FR 52146).

By letter dated February 24, 2023 ([ML23055A027](#)), the NRC terminated the LACBWR license outside the boundary of the LACBWR independent spent fuel storage installation (ISFSI). Accordingly, the NRC considers the reactor facility decommissioning and license termination activities to be complete at the LACBWR site, which fulfills the requirements of the Order to allow the NRC-licensed authorities for LACBWR to be transferred to DPC.

By letter dated March 6, 2023 ([ML23076A040](#)), DPC notified the NRC of the March 15, 2023, closing date for the license transfer. Proof of the insurance required by 10 CFR 140.12, "Amount of financial protection required for other reactors," and Paragraph (w) of 10 CFR 50.54, "Conditions of licenses," was received by letter to the NRC dated March 7, 2023 ([ML23080A017](#)). The American Nuclear Insurers letter of March 3, 2023 (Enclosure 1 to the March 7, 2023, letter), the Nuclear Risk Insurers letter of March 3, 2023 (Enclosure 2 to the March 7, 2023, letter), and the DPC letter of March 7, 2023, satisfy the conditions required by the Order relative to insurance and indemnity coverage of the remaining LACBWR site.

[ML23067A099](#)

Accordingly, the NRC has issued the enclosed Amendment No. 76 to Possession Only License No. DPR-45 for LACBWR (Enclosure 1). This conforming amendment reflects the transfer of the license from LS to DPC. The safety evaluation supporting the conforming amendment was enclosed with the Order issued on September 24, 2019. The conforming amendment was additionally changed by removal of Section 2.C.(5), "License Termination Plan (LTP)," now that LS has completed its decommissioning involvement at the LACBWR site and the actions described in the associated LTP have been completed. This change was evaluated in the NRC safety evaluation supporting termination of the LACBWR license outside the boundary of the LACBWR ISFSI, which was approved by the NRC on February 24, 2023.

Enclosure 2 contains a digitally signed copy of Amendment No. 9 to Indemnity Agreement No. B-62 for LACBWR, which is required in connection with the transfer of the license. We request that representatives of LS and DPC sign the amendment and keep one copy for your records. Please return one copy including all signatures to the NRC's Document Control Desk for proof of acceptance of the amended indemnity agreement. In addition, now that the NRC has approved (1) the reduction of the licensed site to the area encompassed by the LACBWR ISFSI, in accordance with the LTP, which was approved by the NRC on May 21, 2019 ([ML19008A079](#)), and (2) the transfer of the LACBWR license back to DPC along with all NRC-licensed possession, maintenance, and decommissioning authorities, effective as of the date of this letter, the NRC hereby authorizes termination of Performance Bond No. 1905689, which was issued by The Hanover Insurance Company on June 1, 2016, to secure the performance of LS under the Decommissioning Agreement with DPC for LACBWR.

The NRC staff also notes that the licensing basis for the remaining LACBWR site (i.e., the ISFSI footprint) includes the maintenance of certain programs to fulfill regulatory requirements and maintain functional responsibilities. Throughout decommissioning and license termination activities, the licensee has modified these programs as necessary, including terminating certain programs when the applicable concern is no longer relevant. These changes are implemented using the change processes specified for each type of program. The current status of many of these programs, including the technical specifications, final safety analysis report (FSAR), quality assurance program, financial assurance requirements, emergency plan, security plan, and environmental monitoring programs, are included in the February 24, 2023, safety evaluation accompanying the license termination decision. Specifically, the NRC staff would like to note the status of the LACBWR FSAR, Post-Shutdown Decommissioning Activities Report (PSDAR), and Spent Fuel Management Plan (SFMP) now that the ISFSI is the only remaining facility subject to the LACBWR license.

The LACBWR FSAR was last revised in 1986 and is considered a historical document. The document that took the place of the FSAR was the LACBWR Decommissioning Plan (D-Plan), which subsequently became the D-Plan/PSDAR. The D-Plan/PSDAR is also considered the Defueled Safety Analysis Report for the facility, and the LACBWR LTP is a supplement to the D-Plan/PSDAR. The reactor facility decommissioning activities addressed by the LACBWR LTP are now complete and there is no longer a need for the LTP to be maintained or updated in accordance with either 10 CFR 50.82, "Termination of license," or 10 CFR 50.71, "Maintenance of records, making of reports." A new LTP will be required in the future in accordance with 10 CFR 50.82(a)(9) to support decommissioning the generally licensed LACBWR ISFSI and final termination of the LACBWR license.

The LACBWR D-Plan/PSDAR for the reduced licensed facility (i.e., covering the LACBWR ISFSI area only) meets the 10 CFR 50.71(e) requirement for 10 CFR Part 50 licensed facilities to maintain an FSAR. The LACBWR license, technical specifications, and D-Plan/PSDAR also

serve as the basis for the LACBWR 10 CFR 50.59, “Changes, tests, and experiments,” program. Accordingly, the LACBWR D-Plan/PSDAR will be maintained and updated as required by 10 CFR 50.71(e).

In addition, DPC uses the NAC-International Multi-Purpose Canister (MPC) dry cask storage system (DCSS) to store the LACBWR spent fuel at the LACBWR ISFSI under the general license provisions of Subpart K, “General License for Storage of Spent Fuel at Power Reactor Sites,” of 10 CFR Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste.” The design is governed by Certificate of Compliance (CoC) 72-1025 for the NAC-MPC DCSS and its associated DCSS FSAR. DPC has fulfilled the requirements in 10 CFR 72.212, “Conditions of general license issued under [10 CFR] 72.210,” to conduct the required reviews and bound the site-specific design basis and conditions for use of the NAC-MPC DCSS at LACBWR. Maintenance of the NAC-MPC FSAR, including additional updates to that document, will be covered by the requirements of 10 CFR Part 72 as they apply to the LACBWR ISFSI.

With respect to spent fuel management, the NRC staff notes that DPC retains possession and ownership of, and title to, the spent nuclear fuel, keeps in effect its Standard Contract with the U.S. Department of Energy for the disposal of spent nuclear fuel, and maintains all rights and obligations under that contract, consistent with the terms of Section 302(b)(3) of the Nuclear Waste Policy Act of 1982, as amended. DPC’s continued ownership of the LACBWR spent nuclear fuel and retention of the associated title is authorized under general licenses granted for the ownership, but not possession, of spent fuel pursuant to 10 CFR 72.6(b) and the general licenses for byproduct, source, and special nuclear material granted pursuant to 10 CFR 31.9, “General license to own byproduct material,” 10 CFR 40.21, “General license to receive title to source or byproduct material,” and 10 CFR 70.20, “General license to own special nuclear material,” respectively.

Possession Only License No. DPR-45 also addresses the general licenses granted for the receipt, possession, and use of byproduct, source, and special nuclear material in accordance with the regulations in 10 CFR Part 30, “Rules of General Applicability to Domestic Licensing of Byproduct Material,” Part 40, “Domestic Licensing of Source Material,” and Part 70, “Domestic Licensing of Special Nuclear Material.” These requirements include 10 CFR 30.33, “General requirements for issuance of specific licenses,” 10 CFR 40.32, “General requirements for issuance of specific licenses,” 10 CFR 70.23, “Requirements for the approval of applications,” and 10 CFR 70.31, “Issuance of licenses,” as they apply to Possession Only License No. DPR-45. DPC’s financial responsibilities related to the LACBWR ISFSI and the spent nuclear fuel will be unchanged following transfer of control of the license from LS to DPC.

Pursuant to 10 CFR 50.54(bb), DPC submitted its original Spent Fuel Management and Funding Plan on September 26, 2003 ([ML032881008](#)), as supplemented on March 2, 2004 ([ML040780310](#)), before completion of construction of the onsite ISFSI and movement of all the LACBWR spent fuel assemblies to dry storage, which was completed in September 2012. Subsequent updates to the licensee’s plan for the funding and management of the LACBWR spent fuel have been submitted in accordance with 10 CFR 72.30, “Financial assurance and recordkeeping for decommissioning,” with the most recent update occurring on March 28, 2022 ([ML22108A056](#)). DPC will continue to make triennial updates to this plan as required by 10 CFR 72.30 and will include the details for the decommissioning of the LACBWR ISFSI as they are established and become available in the future.

DPC will also address the expiration of the 60-year period for termination of the LACBWR license specified in 10 CFR 50.82(a)(3) if the ISFSI cannot be decommissioned and the 10 CFR Part 50 license fully terminated by May 1, 2047 (60 years after the permanent shutdown date of April 30, 1987 ([ML17080A422](#))). The NRC staff notes that that existing regulations provide for exemption requests to the decommissioning and license termination timeline under the provisions of 10 CFR 50.12, "Specific exemptions," and that considerations for extending the 60-year decommissioning timeframe are captured in 10 CFR 50.82(a)(3).

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

The Notice of Issuance of the conforming amendment will be included in the NRC's monthly *Federal Register* notice. Should you have any questions concerning this action, please contact me at (301) 415-3178 or via email at [marlayna.doell@nrc.gov](mailto:marlayna.doell@nrc.gov).

Sincerely,

/RA/

Marlayna V. 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. Amendment No. 76 to  
Possession Only License No. DPR-45
2. Amendment No. 9 to  
Indemnity Agreement No. B-62

cc w/enclosures: Distribution via Listserv



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

LACROSSESOLUTIONS, LLC

DAIRYLAND POWER COOPERATIVE

DOCKET NO. 50-409

LA CROSSE BOILING WATER REACTOR

AMENDMENT TO POSSESSION ONLY LICENSE

Amendment No. 76  
License No. DPR-45

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by LaCrosseSolutions, LLC, dated June 27, 2018, as supplemented by letter dated December 3, 2018, 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. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. 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
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Possession Only License No. DPR-45 is hereby amended as follows:

The top line of the heading of the license is hereby amended to delete "LaCrosseSolutions, LLC" from above "Dairyland Power Cooperative."

Section 1.A. is hereby amended to read as follows: "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;"

The footnote in Section 1.A., which reads: "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," is hereby deleted.

Section 1.E. is hereby amended to read as follows: "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;"

Section 1.F. is hereby amended to read as follows: "The licensee has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;"

Section 2. is hereby amended to read as follows: "Possession Only License (POL) No. DPR-45, issued to Dairyland Power Cooperative is hereby amended to read as follows:"

Section 2.A. is hereby amended to read as follows: "This license applies to the La Crosse Boiling Water Reactor (herein "the facility" or "LACBWR"), which is owned by the Dairyland Power Cooperative (DPC). LACBWR was formerly owned by the Atomic Energy Commission (AEC) and operated by DPC under the provisions of an AEC 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."

Section 2.B. is hereby amended to read as follows: "Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Dairyland Power Cooperative."

Section 2.B.(1), which reads: "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," is hereby deleted.

Section 2.B.(2) is hereby renumbered to Section 2.B.(1) and amended to read as follows: "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;"

Section 2.B.(3) is hereby renumbered to Section 2.B.(2) and amended to read as follows: "Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," 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;”

Section 2.B.(4) is hereby renumbered to Section 2.B.(3) and amended to read as follows: “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;”

Section 2.B.(5) is hereby renumbered to Section 2.B.(4) and amended to read as follows: “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”

Section 2.B.(6) is hereby renumbered to Section 2.B.(5) and amended to read as follows: “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.”

Section 2.C.(2) is hereby amended to read as follows: “The Technical Specifications contained in Appendix A, as revised through Amendment No: 76, are hereby incorporated in the license. The licensee shall possess and maintain the facility in accordance with the Technical Specifications.”

Section 2.C.(4), which reads:

Fire Protection

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.

Is hereby deleted and amended to read as follows: “Deleted.”

Section 2.C.(5), which reads:

License Termination Plan (LTP)

LaCrosse*Solutions* shall implement and maintain in effect all provisions of the approved License Termination Plan, Revision 1, as approved in License Amendment No. 75 subject to and as amended by the following stipulations.

LaCrosseSolutions may make changes to the LTP without prior approval provided the proposed changes do not meet any of the following criteria:

- (A) Require Commission approval pursuant to 10 CFR 50.59.
- (B) Result in significant environmental impacts not previously reviewed.
- (C) Detract or negate the reasonable assurance that adequate funds will be available for decommissioning.
- (D) Decrease a survey unit area classification (i.e., impacted to not impacted; Class 1 to Class 2; Class 2 to Class 3; or Class 1 to Class 3) without providing the NRC a minimum 14 day notification prior to implementing the change in classification.
- (E) Increase the derived concentration guideline levels (DCGL) and related minimum detectable concentrations (for both scan and fixed measurement methods).
- (F) Increase the radioactivity level, relative to the applicable DCGL, at which an investigation occurs.
- (G) Change the statistical test applied other than the Sign test.
- (H) Increase the probability of making a Type I decision error above the level stated in the LTP.
- (I) Change the approach used to demonstrate compliance with the dose criteria (e.g., change from demonstrating compliance using DCGLs to demonstrating compliance using a dose assessment that is based on final concentration data).
- (J) Change parameter values or pathway dose conversion used to calculate the dose, such that the resultant dose is lower than in the approved LTP and if a dose assessment is being used to demonstrate compliance with the dose criteria.

Is hereby deleted and amended to read as follows: "Deleted."

Section 2.E is hereby amended to read as follows:

This amended license is effective 30 days from the date of issuance. Per 10 CFR 50.51(b), Facility Possession Only License No DPR-45 continues in effect until the Commission notifies the licensee that the License has been terminated.



3. This license amendment is effective at the time the proposed direct license transfer is completed and shall be implemented within 30 days from that date.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

*/RA/*

Shaun M. Anderson, Chief  
Reactor Decommissioning Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety and Safeguards

Attachment:  
Changes to Possession  
Only License No. DPR-45

Date of Issuance: March 15, 2023

ATTACHMENT TO LICENSE AMENDMENT NO. 76

TO POSSESSION ONLY LICENSE NO. DPR-45

DOCKET NO. 50-409

Replace the following pages of the Possession Only License No. DPR-45 with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Possession Only License No. DPR-45

REMOVE

License Page 1  
License Page 2  
License Page 3  
License Page 4  
License Page 5

INSERT

License Page 1  
License Page 2  
License Page 3  
License Page 4



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

DAIRYLAND POWER COOPERATIVE

DOCKET NO. 50-409

LA CROSSE BOILING WATER REACTOR

AMENDMENT TO POSSESSION ONLY LICENSE

Amendment No. 76  
License No. DPR-45

1. The U.S. Nuclear Regulatory Commission (the Commission) 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 regulation 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). LACBWR was formerly owned by the Atomic Energy Commission (AEC) and operated by DPC under the provisions of an AEC 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, "Domestic Licensing of Special Nuclear Material," 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: 76, 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.

(5) 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. Per 10 CFR 50.51(b), Facility Possession Only License No DPR-45 continues in effect until the Commission notifies the licensee that the License has been terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

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

## Enclosure 2

Amendment No. 9 to  
Indemnity Agreement No. B-62