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

March 25, 2019

Samantha Odegard, THPO
Upper Sioux Community of Minnesota
P.O. Box 147
Granite Falls, MN 56241

SUBJECT: SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE LICENSE TERMINATION PLAN FOR THE LA CROSSE BOILING WATER REACTOR (LICENSE NUMBER DPR-45, DOCKET NUMBER: 50-409)

Dear Ms. Odegard:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing a license amendment request from LaCrosse*Solutions*, LLC (Solutions) related to the La Crosse Boiling Water Reactor (LACBWR). Solutions is requesting the NRC's approval of a License Termination Plan (LTP) for the LACBWR. The LTP lays out the remaining activities to be completed in order for the license to be terminated by the NRC.

In June 2018, the NRC sent a letter to your Tribe, along with other federally-recognized Tribes and the Wisconsin State Historical Society about this project asking for information about the site and the potential for historic or cultural resources to be present (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18169A349). We did not receive any information about potential resources.

In December 2018, we submitted our determination to the Wisconsin Historical Society that no historic properties would be affected by this project (ADAMS Accession No. ML18351A216). In their response, the Wisconsin Historical Society concurred with our finding but noted that a Native American mound group may overlap with the area of the LACBWR site (ADAMS Accession No. ML19043A773).

Based on information provided by the Wisconsin Historical Society, the mounds were first recorded in 1912. An archeological survey in 2012 reported heavy disturbance from the fossil fuel plant, road cut, fill, and other developments. This confirms the observations from a previous 2006 visit which indicated disturbance from access roads and areas of steep slopes. No surface indications of the mounds remain. According to the Wisconsin Historical Society, the mounds are recognized as an "uncatalogued burial site" under Wisconsin's Burial Sites Preservation law (Wis. Stat. § 157.70).

The LACBWR site began construction in 1962. Approximately 27 acres of the site was created from fill from dredged material in the Mississippi River. The LACBWR has not operated since 1987 and has been undergoing active decommissioning since 2007. The NRC granted a partial site release to the licensee in May 2016, releasing 88 acres from the licensed area of the site. The licensed site is now 75 acres. There is an operating fossil fuel station co-located at the site.

The NRC has determined that a small part of the mound area, as defined by the Wisconsin Historical Society, overlaps with the area of potential affect (APE) for this project. Figures of the project APE are enclosed. The NRC has determined that although the defined mound area overlaps with the project APE, the overlap occurs in areas where land disturbing activities are not expected to occur. We have also confirmed with the licensee that they have not encountered any human or burial artifacts during any activities.

The Wisconsin Historical Society identified the following Wisconsin State requirements that may apply to the licensee's proposed activities. Prior to doing any work in an uncatalogued burial site, the landowner is required to submit a formal "Request to Disturb" and obtain an authorization from the State prior to commencing any work within the boundaries of the uncatalogued burial site; a qualified archaeologist (§157.70 [1] [i] and HS 2 [6] [a]) must be present to monitor the work. It is the responsibility of the licensee to obtain an authorization under Wisconsin Statute §157.70. Wisconsin law also requires landowners to stop work if human remains or burial objects are found during excavation. In addition to any State requirements, the licensee has a procedure in place that requires them to contact the NRC immediately if remains are found during land disturbing activities.

In accordance with the National Environmental Policy Act of 1969, as amended, and the agency's regulations in Title 10 of the *Code of Federal Regulations* Part 51 "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," the NRC staff is preparing a final Environmental Assessment (EA) to assess the potential environmental impacts that could result from license termination activities such as soil surveys as well as remaining decommissioning and dismantling activities. In preparation of the final EA, the NRC staff is also evaluating the potential impacts on historic and cultural resources at the site, as required under the National Historic Preservation Act (NHPA).

The NRC's finding under Section 106 of the NHPA is that no historic sites will be affected, which the Wisconsin Historical Society concurred. Based on portions of the site being filled with dredged material, significant land disturbance from the original construction of the site, the licensee having procedures in place in the event human remains are found, and State requirements for conducting activities within burial sites, and the fact that no surface features of the mounds remain, the effect of the license termination activities and remaining decommissioning activities on the mounds would not be significant.

If your Tribe would like to provide information regarding the NRC's determination related to the LACBWR site, please provide your input within 30 days of receipt of this letter.

According to NRC policy, correspondence provided to the NRC, including 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.

Additional information regarding the proposed action is publicly available in ADAMS, which can be accessed online at: http://www.nrc.gov/reading-rm/adams.html. The ADAMS Accession Numbers have been provided for the documents referenced in this letter.

If you have any questions, please contact Ms. Jessie Muir Quintero of my staff by telephone at (301) 415-7476 or via e-mail at Jessie.Quintero@nrc.gov.

Sincerely,

/RA/

Cinthya I. Román, Chief
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

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

Enclosure:
Figures

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DATE: March 25, 2019

DISTRIBUTION: FCSE r/f

ADAMS Accessions Numbers.: ML19080A124 (P), ML19080A412 (L) ***via email**

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