

From: [Parrott, Jack](#)
To: kwrobuck@energysolutions.com
Cc: [Russ G. Workman](#); [Gerard P. Van Noordennen](#); [Stenger, Daniel F.](#); [Wachutka, Jeremy](#); [Watson, Bruce](#)
Subject: EnergySolutions, LLC - Request for Additional Information Regarding License Transfer Application (EPID L-2021-LLO-0003)
Date: Monday, March 28, 2022 1:30:00 PM
Attachments: [image001.png](#)

Dear Mr. Robuck:

By application dated December 7, 2021, EnergySolutions, LLC (EnergySolutions) requested approval of the indirect transfer of control of the licenses for: Zion Nuclear Power Station, Units 1 and 2 (ZNPS) and its independent spent fuel storage installation (ISFSI); Three Mile Island Nuclear Station, Unit 2; La Crosse Boiling Water Reactor and its ISFSI; Radioactive Materials License No. 39-35044-01; and Export Licenses XW010/04 and XW018/01 (referred to as the EnergySolutions indirect license transfer). The application is available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML21344A114.

Previous to that request, by application dated May 10, 2021 (ADAMS Accession No. ML21131A141), EnergySolutions and Dominion Energy Kewaunee, Inc. (DEK) requested approval of the indirect transfer of control of the license for the Kewaunee Power Station (KPS) and its ISFSI from DEK's parent entity, Dominion Nuclear Projects, Inc., to EnergySolutions (referred to as the KPS license transfer).

In its December 7, 2021 application, EnergySolutions acknowledged the pending KPS license transfer and stated that should the KPS license transfer be completed prior to the NRC's action on the EnergySolutions indirect license transfer, EnergySolutions would promptly supplement the EnergySolutions indirect license transfer application to reflect that.

EnergySolutions and DEK requested NRC approval of the KPS license transfer before the end of the first quarter of 2022 and the NRC's completion of the EnergySolutions indirect license transfer is scheduled for April 29, 2022. Therefore, it is likely that any approval and consummation of the KPS license transfer will occur before any approval of the EnergySolutions indirect license transfer.

A similar situation arose in a recent Exelon Generation Company, LLC (Exelon) fleet license transfer (ADAMS Accession No. ML21057A273). In the application for that transfer, Exelon stated that it did not hold the ZNPS licenses, but that there was the possibility that Exelon would hold those licenses prior to any approval and consummation of its requested fleet transfer. Therefore, Exelon also requested approval of the transfer of the ZNPS licenses. In its order approving the Exelon fleet license transfer (ADAMS Accession No. ML21277A192), the NRC approved the transfer of the ZNPS licenses, even though they were not held at the time by Exelon, along with the condition that:

"If [Exelon] does not hold Facility Operating License Nos. DPR-39 and DPR-48 for Zion, Units 1 and 2, respectively, and the general license for the Zion ISFSI at the time of the closing of the [Exelon fleet license transfer], then these licenses shall not be transferred ... as part [of] the [Exelon fleet license transfer]."

In its December 7, 2021 application, EnergySolutions also acknowledged the pending ZNPS license transfer and stated that should the ZNPS license transfer be completed prior to the NRC's action on the EnergySolutions indirect license transfer, EnergySolutions would promptly supplement the EnergySolutions indirect license transfer application to reflect that.

Given the possibility that EnergySolutions may indirectly hold the KPS license before any consummation of the EnergySolutions indirect license transfer and consistent with the Exelon fleet license transfer precedent, supplement the EnergySolutions indirect license transfer application to include a request for approval of the transfer of control of the KPS license contingent upon the KPS license being indirectly held by EnergySolutions at the time of any consummation of the EnergySolutions indirect license transfer. Also, given the pending order approving the transfer of the ZNPS licenses from EnergySolutions to Exelon (ADAMS Accession No. ML21229A027), supplement the EnergySolutions indirect license transfer application to provide that the request for approval of the transfer of control of the ZNPS licenses is contingent upon the ZNPS licenses still being indirectly held by EnergySolutions at the time of any consummation of the EnergySolutions indirect license transfer.

Sincerely,

Jack D. Parrott
Senior Project Manager
US Nuclear Regulatory Commission
301-415-6634

