



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 74 TO POSSESSION ONLY LICENSE NO. DPR-45
LICENSE TRANSFER FROM DAIRYLAND POWER COOPERATIVE
TO LACROSSE SOLUTIONS, LLC
DAIRYLAND POWER COOPERATIVE
LA CROSSE BOILING WATER REACTOR
DOCKET NOS. 50-409 AND 72-046

1.0 INTRODUCTION

By letter dated October 8, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15307A310), as supplemented by letter dated December 15, 2015 (ADAMS Accession No. ML16004A147), the Dairyland Power Cooperative (DPC) and LaCrosseSolutions, LLC (LS) (collectively, the applicants) submitted an application, pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (AEA), 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, the Commission) consent for the direct transfer of DPC's Possession Only License No. DPR-45 for the La Crosse Boiling Water Reactor (LACBWR) to LS.

The applicants requested that the NRC consent to the transfer of DPC's licensed possession, maintenance, and decommissioning authorities to LS in order to implement expedited decommissioning at LACBWR. 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 March 18, 2016 (81 FR 14898). The December 15, 2015, letter contained clarifying information, did not expand the application beyond the scope of the original notice, and did not affect the applicability of the NRC's generic no significant hazards consideration determination.

DPC would remain the licensed owner of LACBWR and hold 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 would lease the above-ground LACBWR structures (other than the LACBWR independent spent fuel storage installation (ISFSI)) and would assume responsibility for all licensed activities at LACBWR, including responsibility under the license to complete decommissioning in accordance with NRC

requirements. LS would assume responsibility for the maintenance and security of the ISFSI site, while DPC would provide for operation, maintenance, and security of the ISFSI site under a Company Services Agreement with LS. DPC would retain financial responsibility for operation, maintenance, and security of the ISFSI and other related costs. LS was expressly created for the purpose of decommissioning LACBWR and releasing the site for unrestricted use, except for the ISFSI. After the transfer, LS would complete the decommissioning of the LACBWR facility.

2.0 BACKGROUND

LACBWR is an Atomic Energy Commission (AEC) Demonstration Project Reactor, which first went critical in 1967, commenced commercial operation in November 1969, and was capable of producing 50 megawatts electric (MWe) using a forced-circulation, direct-cycle boiling water reactor as its heat source. LACBWR is located on the east bank of the Mississippi River in Vernon County, Wisconsin. The Allis-Chalmers Company was the original licensee and the AEC later sold the plant to DPC and granted it Provisional Operating License No. DPR-45 on August 28, 1973.

LACBWR permanently ceased operations on April 30, 1987, and reactor defueling was completed on June 11, 1987. In a letter dated August 4, 1987, the NRC terminated DPC's authority to operate LACBWR under Provisional Operating License No. DPR-45, and a possess but not operate status was granted. By letter dated August 18, 1988, the NRC amended DPC's Provisional Operating License No. DPR-45 to Possession Only License No. DPR-45 to reflect the permanently defueled configuration at LACBWR.

The NRC issued an Order to authorize decommissioning of LACBWR and approve the proposed Decommissioning Plan (DP) on August 7, 1991. Therefore, pursuant to the provisions of 10 CFR 50.82(a)(1)(iii) and 50.82(a)(2), operations at LACBWR are no longer authorized under the 10 CFR Part 50 license, and DPC is licensed to possess, but not use or operate, LACBWR under Possession Only License No. DPR-45, subject to the conditions specified therein. The DP is considered the precursor of the Post-Shutdown Decommissioning Activities Report (PSDAR) for LACBWR. The PSDAR public meeting was held on May 13, 1998.

DPC developed an on-site Independent Spent Fuel Storage Installation and completed the movement of all 333 spent nuclear fuel elements from the Fuel Element Storage Well to dry cask storage at the ISFSI by September 19, 2012. The remaining associated buildings and structures are ready for dismantlement and decommissioning activities.¹

According to the application, the purpose of the proposed direct transfer of the license from DPC to LS is to permit accelerated radiological decontamination to facilitate the eventual complete decommissioning of LACBWR, and the environmental remediation of the LACBWR site. LS justifies the proposed transfer of the license because it would take advantage of the capability of its parent company, EnergySolutions, LLC (ES), with respect to the cost and burial capacity for low level waste disposal in future years.

LS is a direct wholly owned subsidiary of ES and was expressly created for the purpose of decommissioning LACBWR and releasing the site for unrestricted use, except for the ISFSI. ES itself is a wholly owned subsidiary of EnergySolutions, Inc., which was a publicly traded

¹ DPC will continue to operate the Genoa No. 3 coal fired power generating facility collocated at LACBWR.

company, but is now a privately held company whose shares are directly owned by Rockwell Holdco, Inc. ES has entered into an agreement with DPC under which LS will assume licensed possession, maintenance, and decommissioning authorities for LACBWR and undertake decommissioning activities, to be conducted by ES and its affiliated companies. As stated in the application, LS, as the licensee for LACBWR, will be responsible for and have ultimate control and final authority over all licensed activities, including decommissioning, except in regard to the LACBWR ISFSI. According to the application, ES specializes in providing nuclear services, such as high level waste management, spent fuel handling and transportation, as well as complex decontamination and decommissioning projects. ES is a Delaware limited liability company.

Under the terms of the proposed transaction, which are set forth in the Decommissioning Agreement between LS and DPC, LS will become the lead NRC licensee responsible for all activities under the LACBWR license. LS will promptly commence decommissioning of the LACBWR site and will complete all activities necessary to terminate the license and release the LACBWR site for unrestricted use as an industrial site, except for a small area surrounding the ISFSI containing the spent nuclear fuel until its final disposition. DPC will remain the owner licensee and will retain title to the spent nuclear fuel.

Upon issuance of a license amendment providing for termination of the facility operating license, except for the ISFSI site, and upon receipt of a future NRC license transfer approval, LS will transfer responsibility for the LACBWR license back to DPC. Thereafter, DPC will maintain the 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 (DOE). DPC will also continue to maintain its nuclear decommissioning trust, 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).

3.0 REGULATORY EVALUATION

The request for approval of the direct transfer of the LACBWR license as described above, and as discussed in this safety evaluation, is made pursuant to 10 CFR 50.80, which states, in part, that:

No license for a production or utilization facility..., or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing.

As outlined in NUREG-1577, "Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance," Revision 1, dated March 1999, the requirements of 10 CFR 50.80(b) and (c) also apply. 10 CFR 50.80(b) states that an application for a license transfer shall include as much of the information described in 10 CFR 50.33 and 50.34 "with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license."

10 CFR 50.80(c) states, in part, that:

...the Commission will approve an application for the transfer of a license, if the Commission determines: (1) That the proposed transferee is qualified to be the

holder of the license; and (2) That transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

In addition, 10 CFR 50.33(k)(1) requires that LS provide the information described in 10 CFR 50.75, "Reporting and recordkeeping for decommissioning planning," indicating that there is reasonable assurance that funds will be available to decommission the facility.

In addressing Foreign Ownership, Control, or Domination issues, Sections 103d and 104d of the AEA provide, in relevant parts, that no license may be issued to the following:

[A]ny corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.

The NRC's regulation at 10 CFR 50.38, "Ineligibility of certain applicants," is the regulatory provision that implements this statutory language. The NRC staff evaluates license transfer applications in a manner that is consistent with the guidance provided in the NRC Standard Review Plan (SRP) on Foreign Ownership, Control, or Domination, which was approved by the Commission on August 31, 1999, to determine whether the transferee is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (see 64 FR 52357 for additional information).

The NRC staff also reviews information that pertains to Price-Anderson indemnity agreement requirements, the nuclear property damage insurance requirements under 10 CFR 50.54(w), and nuclear energy liability insurance as required under Section 170 of the AEA and 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," during its evaluation of direct license transfer requests.

The NRC staff used the following additional regulations and guidance during the technical and financial qualification evaluation of the proposed license transfer for LACBWR to evaluate whether the qualifications of the licensee would be affected by the proposed transfer: 10 CFR 50.40(b), "Common standards"; NUREG-0800, Section 13.1.1, "Management and Technical Support Organization," and Sections 13.1.2 - 13.1.3, "Operating Organization"; Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," Revision 3, dated May 2000; and American Nuclear Society/American National Standards Institute (ANS/ANSI) 3.1-1993, "Selection, Qualification, and Training of Personnel for Nuclear Power Plants."

The purpose of this evaluation is to ensure that the proposed corporate management is involved with, informed of, and dedicated to the safe maintenance and decommissioning of LACBWR and that adequate technical and financial resources will be provided to support these activities.

4.0 FINANCIAL EVALUATION

4.1 Financial Qualifications

4.1.1 *Dairyland Power Cooperative*

As stated in the application, DPC, headquartered in La Crosse, Wisconsin, is a generation and transmission electric cooperative that provides wholesale electricity to 25 member distribution cooperatives and 17 municipal utilities. DPC's service area encompasses 62 counties in four states (Wisconsin, Minnesota, Iowa, and Illinois). DPC 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. DPC's generation resources include coal, natural gas, hydroelectric, wind, biomass, landfill gas, biogas and solar. The Genoa 3 coal generating station that shares the licensed site with LACBWR is one of DPC's major generation resources. The application also states that DPC qualifies as an electric utility, and is therefore exempt from further financial qualifications review as set forth in 10 CFR 50.33(f).

Based on the above, the NRC staff agrees that DPC is an electric utility as defined in 10 CFR 50.2, "Definitions," and that, as such, pursuant to 10 CFR 50.33(f), does not have to provide additional information to demonstrate financial qualification.

4.1.2 *LaCrosseSolutions, LLC*

As stated in the application, ES is a Delaware limited liability company and is a wholly owned subsidiary of EnergySolutions, Inc. LS has been established by ES for the sole purpose of decommissioning LACBWR and performing other required activities under the Decommissioning Agreement (referred to as the La Crosse Restoration Project). Enclosure 2 of the initial application provides a chart showing the proposed post-transfer LS ownership structure, reflecting its direct and indirect owners. The general corporate information required pursuant to 10 CFR 50.33(d)(3), including identification of the principal officers and directors of LS and its corporate parents, is provided in Enclosure 3 of the application.

Following the proposed transfer, LS would be responsible for possession, maintenance, and decommissioning of LACBWR, including the ability to fund its obligations under the Decommissioning Agreement. Because LS would not be authorized under the 10 CFR Part 50 License to operate or load fuel pursuant to 10 CFR 50.82(a)(2), LS would not conduct any of the operations contemplated by the financial qualifications provisions of 10 CFR 50.33(f)(2). Therefore, the financial qualification requirements do not apply to LS.

4.2 Decommissioning Funding Assurance

All of LS's licensed activities would involve possession of radioactive material in connection with maintaining the safe condition of the plant, overseeing maintenance of the ISFSI, and completing the decommissioning of LACBWR. Therefore, the existing decommissioning trust account and any other financial assurance mechanisms for decommissioning are the appropriate sources of funds to consider for the purpose of evaluating decommissioning financial assurance. Under the terms of the Decommissioning Agreement governing the DPC trust for LACBWR, LS would have the right to access the La Crosse Trust Account to pay for

decommissioning expenses. LS would provide a certification to DPC that would authorize disbursement of funds from the La Crosse Trust Account to LS.²

10 CFR 50.82(a)(8)(i) states that decommissioning trust funds may be used by licensees if: (a) the withdrawals are for expenses for legitimate decommissioning activities consistent with the definition of decommissioning in 10 CFR 50.2; (b) the expenditure would not reduce the value of the decommissioning trust below an amount necessary to place and maintain the reactor in a safe storage condition if unforeseen conditions or expenses should arise; and (c) the withdrawals would not inhibit the ability of the licensee to complete funding of any shortfalls in the decommissioning trust needed to ensure the availability of funds to ultimately release the site and terminate the license.

LS prepared Enclosure 5, "Schedule and Financial Information for Decommissioning," to the application, which provides financial projections for the duration of the La Crosse Restoration Project. Enclosure 5 shows that the amount of funds in the La Crosse Trust Account at the time of transfer should be adequate to fund the La Crosse Restoration Project. The right to draw on the source of funds described therein and the *pro forma* projected costs for the remaining decommissioning period set forth in Enclosure 5 provide the requisite financial information for the LACBWR license transfer request. In addition, LS asserts in the application that the estimated costs for decommissioning cover the full scope of the project, including site restoration activities. Enclosure 5 is summarized in the table below.

La Crosse Summary of Annualized Costs						
Year	Opening DTF Balance	Radiological Decommissioning	Site Restoration	Contingency	2% Real Rate of Return	Closing DTF Balance
2015	\$91,136,925	\$2,600,000	\$100,000	\$400,000	\$1,760,739	\$89,797,664
2016	\$89,797,664	\$23,100,000	\$800,000	\$2,100,000	\$1,275,953	\$65,073,617
2017	\$65,073,617	\$28,000,000	\$500,000	\$2,600,000	\$679,472	\$34,653,089
2018	\$34,653,089	\$21,100,000	\$1,200,000	\$1,800,000	\$211,062	\$10,764,151
2019	\$10,764,151	\$600,000	\$0	\$100,000	\$201,283	\$10,265,434

In addition to the trust funds, LS will have access to other financial assurance mechanisms secured and/or provided by LS's parent company, EnergySolutions, Inc., including a guaranty in the amount of \$15 million dollars and a third party performance bond in the amount of 20 percent of the total amount agreed upon under the Decommissioning Agreement to perform the La Crosse Restoration Project (approximately \$17 million dollars). The funds available from the decommissioning trust funds and performance bond provide reasonable assurance, in accordance with 10 CFR 50.75(e) and 50.82(a)(8), that there will be adequate funds necessary to conduct the required decommissioning activities throughout the period of the license.

LS has stated that it will prepare an amended PSDAR and submit it within two years of the LACBWR license transfer to the NRC. In accordance with 10 CFR 50.82(a)(4)(i), the amended PSDAR will contain a description of the planned decommissioning activities to be undertaken by LS, along with a schedule for their accomplishment and an estimate of expected costs.

² The rights of LS to access the La Crosse Trust Account are set forth in Section 9.3 of the Decommissioning Agreement, which is provided in the application as Enclosure 1.

As additional support to the LACBWR decommissioning activities, EnergySolutions, Inc. will provide an irrevocable disposal capacity easement, which provides rights for disposal capacity of 450,000 cubic feet at its Clive, Utah facility. This disposal capacity is sufficient to dispose of all of the Class A Low Level Waste projected to be shipped from the LACBWR site, including waste that can be made compliant to be disposed of at the Clive, Utah facility. The form of this easement is provided as Exhibit C to the Decommissioning Agreement, which is provided in the application as Enclosure 1. In connection with DPC's rights under this easement, the Decommissioning Agreement also provides for a disposal services agreement, which would govern the terms under which the disposal capacity can be accessed. The form of this agreement is provided as Exhibit D to the Decommissioning Agreement. Both the disposal capacity easement and the disposal services agreement would be held by DPC as additional security for LS's performance, and ensure that these rights would not be rejected during a bankruptcy of EnergySolutions, Inc.

As stated in the application, DPC would retain financial responsibility for several costs related to LACBWR, including maintenance and security for the ISFSI site and related costs such as nuclear insurance, property taxes, emergency planning expenses, utilities, and annual NRC fees. LS would have exclusive responsibility under the Possession Only License for the possession, maintenance, and decommissioning of LACBWR, which includes responsibility for the maintenance and security of the ISFSI site. DPC would maintain possession of the LACBWR spent nuclear fuel and would be responsible for maintenance and security of the ISFSI site under a Company Services Agreement with LS, subject to oversight by LS. DPC would retain ownership of and title to the spent nuclear fuel, would keep in effect its Standard Contract with DOE for the disposal of spent nuclear fuel, and would retain all rights and obligations under that contract, consistent with the terms of Section 302(b)(3) 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)(3)).³

Therefore, DPC will remain the owner licensee for purposes of its ownership of the spent nuclear fuel at the LACBWR ISFSI site. Even if it were not specifically licensed, DPC's continued ownership of the LACBWR spent nuclear fuel and retention of the associated title would be 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, 10 CFR 40.21, and 10 CFR 70.20, respectively.

4.3 Financial Qualifications Findings

Recognizing that LS is a wholly owned subsidiary of ES, dedicated to the completion of decommissioning at LACBWR, the NRC staff reviewed the application and supplemental information as described above and determined that the funds available from: (1) the decommissioning trust account for the funding of radiological decommissioning; (2) the parent company guaranty in the amount of \$15 million dollars; (3) the proposed performance bond (which will be obtained from an independent third party in the amount of approximately \$17 million dollars representing 20 percent of the decommissioning trust fund account); and (4) the retention of the disposal capacity asset located in Clive, Utah, provide reasonable assurance, in accordance with 10 CFR 50.75(e), 10 CFR 50.82(a)(8), and the guidance outlined

³ Standard Contract No. DE-CR01-83NE44377, dated June 15, 1983, was entered into by DPC and the United States of America, represented by the DOE, to govern the spent nuclear fuel generated at LACBWR.

in NUREG-1577, that there will be adequate funds necessary to conduct the required activities throughout the period of the license. As such, the NRC staff finds that *LaCrosseSolutions*, LLC is financially qualified to hold LACBWR Possession Only License No. DPR-45 as proposed.

5.0 FOREIGN OWNERSHIP, CONTROL, OR DOMINATION

5.1 Dairyland Power Cooperative

As stated in previous license amendments and in the application for the LACBWR license transfer, DPC is owned by its members, all of which are cooperatives or municipalities located within the United States. Furthermore, the application states that DPC does not have any foreign owners, and it is not subject foreign ownership, control, or domination. The NRC staff does not know or have reason to believe that DPC or the cooperatives or municipalities located within the United States that own DPC are owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; therefore, DPC meets the requirements of 10 CFR 50.38.

5.2 *LaCrosseSolutions*, LLC

As stated in the application, LS is a wholly owned subsidiary of ES, which is owned by *EnergySolutions*, Inc. *EnergySolutions*, Inc. is a privately held company whose shares are directly owned by Rockwell Holdco, Inc. The NRC staff analyzed the information provided in the application related to ownership, both ultimate and intermediate, of LS, and found no evidence of foreign ownership, control, or domination; as such, LS meets the requirements of 10 CFR 50.38.

In addition, *EnergySolutions*, Inc. holds a facility security clearance with the DOE. The clearance process subjects the applicant to a foreign ownership, control, or influence (FOCI) analysis and ongoing reporting requirements related to known foreign interests. The NRC staff recognizes the FOCI analysis of LS's parent company as additional assurance that neither ES nor LS are owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.

5.3 Foreign Ownership, Control, or Domination Findings

Based on the above, the NRC staff does not know or have reason to believe that DPC, LS, or their associated parents are owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government and, therefore, the application satisfies the requirements of 10 CFR 50.38.

6.0 ANTITRUST CONSIDERATION

The AEA does not require or authorize antitrust reviews of post-operating license transfer applications.⁴ The LACBWR license transfer application postdates the issuance of the operating licenses for the unit under consideration in this safety evaluation. Therefore, no antitrust review is required or authorized. Based on the foregoing, the NRC staff finds that there

⁴ See *Kansas Gas and Electric Co., et al.* (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441 (1999).

are no antitrust issues to be considered in connection with the proposed transfer and conforming license amendment.

7.0 PRICE-ANDERSON INDEMNITY & NUCLEAR INSURANCE

The provisions of the Price-Anderson Act (Section 170 of the AEA) and the NRC's regulations in 10 CFR Part 140 require that the current indemnity agreement reflect that LS will be a licensee for LACBWR after the proposed direct transfer takes effect. Accordingly, the NRC staff will require LS to provide evidence that it has obtained the appropriate amount of insurance in accordance with 10 CFR 140.12 and 50.54(w), consistent with the exemptions previously issued to LACBWR for insurance coverage, which will be effective concurrent with the date of the NRC's license transfer.

Therefore, the Order approving the application will be conditioned as follows:

Prior to the closing of the license transfer from DPC to LS, LS shall provide the Directors of NRC's Office of Nuclear Material Safety and Safeguards (NMSS) and Office of Nuclear Reactor Regulation (NRR) satisfactory documentary evidence that it has obtained the appropriate amount of insurance required of a licensee under 10 CFR 140.12 and 10 CFR 50.54(w) of the Commission's regulations, consistent with the exemptions issued to LACBWR on June 26, 1986.

The NRC staff will also add LS to the existing LACBWR indemnity agreement with DPC.

8.0 TECHNICAL EVALUATION

8.1 Management and Technical Support Organization

The NRC staff reviewed the application in accordance with the acceptance criteria contained in NUREG-0800, Section 13.1.1 to determine the acceptability of the proposed corporate management and technical support organization. As stated in the application, "[t]he [LS] management team is experienced and qualified, and the organization is well-designed to accomplish the decontamination and restoration of the site. The necessary management processes and controls will be applied, with clear lines of authority and communication. Accordingly, the proposed transfers have the potential to achieve synergies and management efficiencies at LACBWR. For these reasons, [LS] and its management team have the necessary technical qualifications to safely perform the decontamination and decommissioning of LACBWR."

The LS management team consists of personnel with prior experience in their areas of responsibility at previously decommissioned nuclear facilities. Specifically, LS will employ a LACBWR project manager, reporting to an Executive Vice President, who is directly responsible for decommissioning operations, including implementation of approved programs and procedures to ensure safe and compliant work. Several managers will report directly to the project manager, with responsibilities for radiological safety, industrial safety, project administration and financial services, training, labor relations, oversight of fuel storage, regulatory affairs, quality assurance, licensing, environmental reviews, decontamination and decommissioning, engineering and operations, waste operations, and project controls. This

organization will provide a nuclear management team with control over all of the areas important to the maintenance and decommissioning of LACBWR.

In effect, the LS organization will consist of existing staff from both ES and another of its wholly owned subsidiaries, *ZionSolutions*, LLC, which is conducting a similar decommissioning project for the Zion Nuclear Power Station, Units 1 and 2, in Zion, Illinois, as augmented by an experienced management team. An organization chart of the proposed management structure was provided in the application as Enclosure 2, along with the resumes of corporate officers and key management personnel, which were provided as Enclosure 4. LS's operations at LACBWR will essentially be self-sufficient. However, additional support for certain functions (e.g., training, emergency preparedness, and quality assurance) may be obtained from ES's corporate organization.

Accordingly, the staff concludes that the proposed management and technical support organization will adequately support the proposed maintenance and decommissioning activities at LACBWR.

8.2 Onsite Organization

The NRC staff reviewed the application to determine the acceptability of the onsite organization at LACBWR and to evaluate changes to the organization proposed as a result of the license transfer. The LACBWR operating organization was determined to be acceptable by the initial licensing review. Subsequent safety-related changes to the operating organization have been evaluated with an appropriate methodology. Because the organizations and personnel now responsible for the maintenance of the LACBWR facilities, including the ISFSI, will not be affected by the license transfer from DPC to LS, the staff concludes that the onsite organization will adequately support the proposed maintenance and decommissioning activities at LACBWR.

8.3 Technical Qualifications Findings

DPC and LS have described the corporate level management and technical support organization, as well as the onsite operating organization, that would be responsible for the maintenance and decommissioning of LACBWR after the proposed transfer of licensed authority to LS. The staff concludes that: (1) LS will have an acceptable corporate organization; (2) LS will retain an acceptable onsite organization; and (3) LS will have adequate resources and support for the safe maintenance and decommissioning of the LACBWR site after the transfer of licensed authority from DPC to LS. The NRC staff also determined that the application for license transfer adequately addresses the relevant requirements of 10 CFR 50.40(b) and 10 CFR 50.80. Accordingly, in light of the foregoing evaluation, the NRC staff finds that *LaCrosseSolutions*, LLC is technically qualified to hold the LACBWR Possession Only License No. DPR-45 as proposed.

9.0 CONFORMING LICENSE AMENDMENT

9.1 Conforming Amendment

The applicants requested a conforming amendment to Possession Only License No. DPR-45 for LACBWR. No physical or operational changes to the facility were requested beyond those captured in the LACBWR PSDAR. The proposed conforming amendment only reflects the

proposed license transfer action. The amendment involves no safety question and is administrative in nature. Accordingly, the proposed amendment is acceptable.

9.2 State Consultation

In accordance with the Commission's regulations, the Wisconsin State official was notified of the proposed issuance of the amendment on April 29, 2016. The State official had no comments.

9.3 Conforming Amendment Conclusion

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed action; (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations; and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

10.0 ENVIRONMENTAL CONSIDERATION

The subject application is for approval of a transfer of a license issued by the NRC and an associated amendment required to reflect the approval of the transfer. Accordingly, the actions involved meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(21). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the transfer application and conforming license amendment.

11.0 CONCLUSION

Based on the foregoing, and subject to the conditions described herein, the NRC staff concludes that LaCrosseSolutions, LLC is financially and technically qualified to hold the license for the La Crosse Boiling Water Reactor, as described in the application, and engage in the proposed maintenance and decommissioning activities associated with the LACBWR site. The NRC staff further concludes that there are no disqualifying decommissioning funding assurance, foreign ownership, control, or domination, antitrust, or nuclear insurance and indemnity issues associated with the proposed transfer, and that the proposed transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Principal Contributors: M. Dusaniwskyj, NRR/DIRS
M. Vaaler, NMSS/DUWP

Dated: May 20, 2016