



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

#02-14-04-I-0063

Muskogee
 ATMS

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October 15, 2003

Jerry Brabander
 Field Supervisor
 U.S. Fish and Wildlife Service
 222 S. Houston, Suite A
 Tulsa, Oklahoma 74127

NO EFFECT FINDING The described action will have no effect on listed species, wetlands, or other important wildlife resources.		RECEIVED OCT 21 2003 US FISH & WILDLIFE SERVICE TULSA ES
Date <u>11-18-03</u>	Service # <u>02-14-04-I-0063</u>	
Approved by <u>Dem Hens</u> U.S. FISH and WILDLIFE SERVICE, TULSA, OK		

Dear Mr. Brabander :

**SUBJECT: INFORMAL SECTION 7 CONSULTATION FOR PROPOSED
 DECOMMISSIONING OF FANSTEEL SITE IN MUSKOGEE, OKLAHOMA**

Fansteel Inc. is the holder of a license from the U.S. Nuclear Regulatory Commission (NRC) for a facility in Muskogee, Oklahoma. The NRC has received a proposal from Fansteel to decommission the site by removing radioactive contamination to levels that meet NRC requirements for release of the site for unrestricted use stated in 10 CFR 20.1402. The NRC is preparing an Environmental Assessment (EA) on the proposed decommissioning action in accordance with the National Environmental Policy Act (NEPA) and the NRC's regulations implementing NEPA. To coordinate NEPA requirements with those of Section 7 of the Endangered Species Act (ESA), this letter requests an informal Section 7 consultation.

The Fansteel Site is near Muskogee, Oklahoma, approximately 75 km (50 miles) southeast of Tulsa, adjacent to the Arkansas River (See Figure 1). The Fansteel site comprises two ponds holding the byproduct of its separation process called waste in process (WIP), as thick sludge; five ponds with liquid calcium fluoride (CaF); and about 10 buildings constructed by Fansteel for processing and administration. The radioactive materials at the Fansteel Site include natural uranium and thorium. Fansteel characterized the site in 199, in preparation for decommissioning because the industrial source of the wastes in the site has ceased operations. The 36-ha (90-acre) fenced area consists principally of an open field; the Arkansas River bounds the east side of the site; the south side by highway US-62; and the west side by a frontage road of the Muskogee Turnpike. Figures 2 and 3 show the general features of the site and surrounding area.

Land use in the vicinity of the site is a mix of agriculture and industry. In the immediate area, the Port of Muskogee and several businesses are to the north; and there is a coal fire power plant to the southeast; land to the south and east across the river are agricultural; and to the west are mixed use areas including residential and shopping.

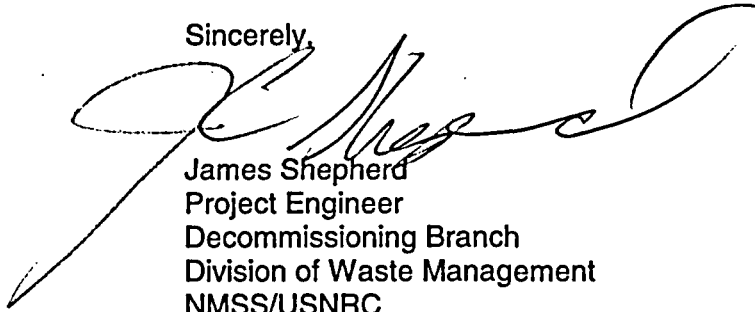
The action proposed by the licensee is removal of the WIP and CaF from ponds; removing any soil contaminated above concentrations calculated to meet the release limits for unrestricted use criteria of 10 CFR 20.1402; and the site will then be regraded. Also, Fansteel will decontaminate building surfaces; remediate radiologically contaminated ground water to release levels using a capture and treat process. Alternatives NRC will investigate in the environmental assessment (EA) include remediation of most of the site for unrestricted release; on-site disposal of contaminated wastes in accordance with the requirements of 10 CFR 20.1403; remediation of the entire site to limits specified in 10 CFR 20.1403; and no action. The

20.1403; remediation of the entire site to limits specified in 10 CFR 20.1403; and no action. The no action alternative is not a viable alternative: and because it does not meet the NRC's requirements for decommissioning. It is analyzed simply to provide a baseline for comparison with the other alternatives.

An EA issued in December 1997, for a license amendment application identified the following listed species, whose range includes the Fansteel site: American burying beetle (*Necrophorus americanus*), Bald eagle (*Haliaeetus leucocephalus*), Interior least tern (*Sterna antillarum*), Peregrine falcon (*Falco peregrinus anatum*), Whooping crane (*Grus americana*), Piping Plover (*Charadrius melodius*), and the Arkansas River shiner (*Notropis girardi*). Because of the development in the area and the past use of the site, the EA concluded that it was highly unlikely that any of those species were present on the site.

Please let me know of any information on listed and proposed threatened and endangered species, status review (i.e., candidate) species, proposed and designated critical habitats, wetlands, or cumulative effects that might affect our assessment. Thank you for your help. If you have any questions, please feel free to contact me at 301-415-6712, or ics2@nrc.gov.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'J. Shepherd', is written over the typed name and title.

James Shepherd
Project Engineer
Decommissioning Branch
Division of Waste Management
NMSS/USNRC

Enclosures: Figure 1, map of site vicinity
Figure 2, ariel photo of area around Fansteel Site
Figure 3, ariel photo of Fansteel site.