

February 9, 2017

Mr. Geoffrey Standing Bear
Chief
Osage Nation
627 Grandview Avenue
Pawhuska, OK 74056

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 NOTIFICATION OF AMENDMENT APPLICATION AND DECOMMISSIONING PLAN FOR THE FORMER CIMARRON FUEL FABRICATION FACILITY (DOCKET NUMBER 70-0925)

Dear Chief Standing Bear:

By letter dated December 31, 2015, Environmental Properties Management, LLC (EPM) submitted a license amendment request to the U.S. Nuclear Regulatory Commission (NRC) for approval of its decommissioning plan (DP) and final site survey for the former Cimarron Fuel Fabrication Facility (Cimarron site) in Logan County, Oklahoma. The license amendment, if approved, would authorize decommissioning of the Cimarron site for unrestricted release.

The DP provides a detailed description of the Cimarron site and its history. You may access the DP at <https://www.nrc.gov/docs/ML1623/ML16230A614.html>. Alternatively, you may access the DP through the NRC's Agencywide Documents Access and Management System (ADAMS), at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession number for the DP is ML16230A614.

As described in more detail in the DP, the site is situated along the southern bank of the Cimarron River at the intersection of Highways 74 and 33, approximately seven miles south of Crescent, Oklahoma. It generally consists of more than 500 acres of rolling hills and 200 acres of floodplain. Enclosure 1 is a map that shows the location of the Cimarron site. In the 1960s and early 1970s, Kerr-McGee Nuclear Corporation manufactured nuclear fuel at the site under two NRC licenses. Uranium fuel was produced under NRC Special Nuclear Material License SNM-928, and mixed oxide fuel was produced under NRC license SNM-1174. As indicated in the DP, during the fuel-manufacturing period, waste was buried onsite and wastewater was stored in impoundments and discharged to the Cimarron River. The site has been in a decommissioning status since the 1970s, and uranium contamination in the groundwater remains to be remediated.

The Atomic Energy Act of 1954, as amended, authorizes the NRC to both license and terminate licenses of facilities that meet the NRC regulatory requirements designed to protect public health and safety and the environment from radiological hazards. The NRC's acceptance review of EPM's license amendment application is complete, and the application has been accepted for further review. The NRC staff is now conducting a detailed technical review of the application, consisting of both environmental and technical (safety) elements.

As part of the environmental review, the NRC staff will prepare an environmental assessment (EA) in accordance with the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." Through these regulations, the NRC implements the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended. NEPA requires the Federal government to assess the potential environmental impacts of major Federal actions that may significantly affect the human environment.

In addition, the NRC must comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), which requires Federal agencies to determine whether historic resources--including those of religious and cultural significance to Native American Tribes--could be affected by an undertaking such as this decommissioning project. Section 106 also requires the NRC to consult with organizations or persons who have an interest in the preservation of these resources. In accordance with NHPA regulations in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC will comply with Section 106 of the NHPA through the NEPA process, and the EA will include an analysis of potential impacts on historic resources. To support the analysis in the EA, the NRC staff will gather information to identify historic properties, including those of significance to Native American Tribes.

Through this letter, the NRC staff invites you to participate as a consulting party under Section 106 of the NHPA. If you wish to consult with the NRC about this project, you may also wish to assist in identifying properties of significance to the Osage Nation that may be affected by this proposed action and in developing proposals to address potential adverse effects.

To express your interest in participating as a consulting party, you may complete and send the enclosed form (Enclosure 2) to us. If you prefer not to use the form, please contact us at the numbers or email addresses provided at the end of this letter. We request that the form or other response be provided to us within 30 days of receipt of this letter. You may also contact us if you wish to discuss concerns about the confidentiality of information that may be provided to the NRC. Please note that according to NRC policy, correspondence provided to the NRC, including emails, may be made publicly available. Therefore, the NRC recommends that the Osage Nation avoid including any information in its submission that Tribal officials do not want publicly disclosed (e.g., personal email addresses).

G. Standing Bear

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If you have any questions about this project or need additional information regarding EPM's license amendment application, please contact Mr. Kenneth Kalman by telephone at 301-415-6664 or via e-mail at Kenneth.Kalman@nrc.gov. For information about the environmental review or the Section 106 process for this project, please contact Ms. Christine Pineda by telephone at 301-415-6789 or e-mail at Christine.Pineda@nrc.gov.

Sincerely,

/RA/

Craig G. Erlanger, Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-0925

Enclosures:

1. Map of Cimarron Location
2. Tribal Response Form

cc: J. Lux, EPM

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 NOTIFICATION OF AMENDMENT APPLICATION AND DECOMMISSIONING PLAN FOR THE FORMER CIMARRON FUEL FABRICATION FACILITY (DOCKET NUMBER 70 0925) DATED February 9, 2017

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