



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

March 22, 2022

Dr. Andrea Hunter,
Tribal Historic Preservation Officer
Osage Nation
627 Grandview Avenue
Pawhuska, OK 74056

SUBJECT: TRIBAL CONSULTATION BETWEEN THE OSAGE NATION AND THE
U.S. NUCLEAR REGULATORY COMMISSION REGARDING INDIANA'S
REQUEST FOR AN AGREEMENT UNDER SECTION 274 OF THE ATOMIC
ENERGY ACT

Dear Dr. Hunter:

The purpose of this letter is to acknowledge the agreement between the U.S. Nuclear Regulatory Commission (NRC) and the Osage Nation to consult regarding Indiana's request for an Agreement under Section 274 of the Atomic Energy Act, in accordance with the NRC's Tribal Policy Statement.¹ The State of Indiana submitted a letter of intent on June 11, 2021,² to notify the NRC that it is interested in pursuing an agreement with the NRC to assume regulatory authority over specified radioactive materials and activities. By letter dated October 15, 2021,³ the NRC informed the Osage Nation of the State's letter and stated that we would keep the Osage Nation informed as the application moves through the review process.

Jeffrey Whited, NRC's Tribal Liaison, later contacted you to ensure receipt of the NRC's October 15, 2021, letter and to determine whether there were any questions regarding its contents. During this conversation, you requested a meeting with the NRC staff. The meeting was held on January 27, 2022. During this meeting, the NRC staff offered to consult with the Osage Nation, in accordance with the NRC Tribal Policy Statement, regarding Indiana's request for an Agreement. The NRC staff made this offer because the National Environmental Policy Act and National Historic Preservation Act tribal consultation provisions do not apply to Agreement State applications. During that meeting the Osage Nation requested that the NRC provide a list of Agreement States containing Osage Nation ancestral lands and the State's associated Regulatory Authority under Section 274 of the Atomic Energy Act. The enclosure to this letter provides that information and lists the NRC and Agreement State licensees in each State.

The NRC staff will provide the Osage Nation, at least quarterly beginning in the second quarter of Calendar Year 2022, an update on the progress of the NRC's review of Indiana's request for an agreement via email. Based on these updates, the Osage Nation will determine the need for a consultation meeting and whether the meeting will be in-person or held virtually.

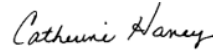
¹ U.S. Nuclear Regulatory Commission, "Tribal Policy Statement," January 9, 2017 (82 FR 2402) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17011A243).

² ADAMS Accession No. ML21166A134.

³ ADAMS Accession No. ML21267A083.

Finally, as discussed during the meeting, you will represent the Osage Nation and Mr. Kevin Williams, Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, or his designee, will represent the NRC during the consultation meetings. Mr. Williams can be contacted via phone at (301) 415-3340, or via email at Kevin.Williams@nrc.gov. You can also contact Mr. Jeffrey Whited, Tribal Liaison, at (301) 415-4090, or via email at Jeffrey.Whited@nrc.gov, should you have any questions concerning this consultation agreement.

Sincerely,



Signed by Haney, Cathy
on 03/22/22

Catherine Haney
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, Compliance, Administration,
and Human Capital Programs
Office of the Executive Director for Operations

Enclosure:
As stated

cc: Chief Geoffrey Standing Bear
Osage Nation

Beth McCord, DNR,
State of Indiana

SUBJECT: CONSULTATION, IN ACCORDANCE WITH THE U.S. NUCLEAR REGULATORY COMMISSION TRIBAL POLICY STATEMENT, BETWEEN THE OSAGE NATION AND THE U.S. NUCLEAR REGULATORY COMMISSION DATED March 22, 2022

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JWhited, NMSS

ADAMS Accession Number: ML22018A178***via email**

OFFICE	NMSS/MSST	NMSS/MSST	NMSS/MSST	NMSS/MSST	NMSS/REFS
NAME	JWhited	MArribas-Colon	BAnderson	KWilliams	JTappert
DATE	2/25/22	2/25/22	2/28/22	3/01/22	3/02/22
OFFICE	OGC	NMSS/Tech ED	NMSS	OEDO	
NAME	JOlmstead	PMenefee- Buzdygon	JLubinski (RLewis for)i	CHaney	
DATE	3/01/22	3/04/22	3/11/22	3/22/22	

OFFICIAL RECORD COPY

List of States where the Osage Nation has ancestral land interest, and their associated Regulatory Authority under Section 274 of the Atomic Energy Act

Additional information regarding the U.S. Nuclear Regulatory Commission (NRC) Agreement State Program can be found at: <https://scp.nrc.gov/rulemaking.html#Top>. The NRC Information Digest (<https://www.nrc.gov/docs/ML2130/ML21300A280.pdf>) is a useful source of information.

Arkansas

Agreement State – Agreement effective as of July 1, 1963

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - 178 Agreement State materials licenses
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Arkansas Nuclear One, power reactor site [Pope County]
- Arkansas Nuclear One, Independent Spent Fuel Storage Installation (ISFSI) site
- 4 NRC materials licenses

Colorado

Agreement State – Agreement effective as of February 1, 1968, as amended on April 20, 1982

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - 311 Agreement State materials licenses
- Regulatory authority to license uranium mills - no active uranium mills
 - Cotter Mill, undergoing decommissioning [Fremont County]
 - Uravan, undergoing license termination [Montrose County]
 - Durita, undergoing license termination [Montrose County]
 - Colorado Legacy Land – Schwartzwalder Mine, closed [Jefferson County]
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Fort St. Vrain, ISFSI site [Weld County]
- Fort St. Vrain, decommissioning power reactor site
- U.S. Geological Survey, research and test reactor site [Denver County]
- 16 NRC materials licenses

Illinois

Agreement State – Agreement effective as of June 1, 1987, as amended on October 23, 1990

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - City of Chicago, undergoing decommissioning [Cook County]
 - 562 Agreement State materials licenses
- Regulatory authority to license uranium mills - no uranium mills, cleanup of sites that process uranium and thorium
 - Weston Solutions, materials site undergoing decommissioning [DuPage County]
- Regulatory authority to approve sealed sources and devices for distribution

- Regulatory authority for the licensing of a low-level waste disposal facility
 - Sheffield low-level waste Disposal Facility (ceased operations in 1970s) [Bureau County]

NRC Licensees

- Braidwood, power reactor site [Will County]
- Byron, power reactor site [Ogle County]
- Clinton, power reactor site [DeWitt County]
- Dresden, power reactor site [Grundy County]
- LaSalle, power reactor site [LaSalle County]
- Quad Cities, power reactor site [Rock Island County]
- ISFSI site at the above sites, as well as at the General Electric Hitachi Morris site [Grundy County]
- Dresden, decommissioning power reactor site
- Zion, decommissioning power reactor site [Lake County]
- Honeywell International Fuel Cycle Facility [Massac County]
- An Early Site Permit for additional units at the Clinton Site
- 19 NRC materials licenses

Indiana

Agreement State – Submitted letter of intent on June 11, 2021

- Additional information can be found at: <https://scp.nrc.gov/Indiana.html>
- State has requested regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities

NRC Licensees

- Purdue University, research and test reactor site [Tippecanoe County]
- Army, Jefferson Proving Ground, materials site undergoing decommissioning [Ripley County]
- 199 NRC materials licenses

Iowa

Agreement State – Agreement effective as of January 1, 1986

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - 137 Agreement State materials licenses

NRC Licensees

- Duane Arnold, ISFSI site [Linn County]
- Duane Arnold, decommissioning power reactor site
- 1 NRC materials license

Kansas

Agreement State – Agreement effective as of January 1, 1965

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Beta Chem Laboratory, decommissioning materials site [Johnson County]
 - Raytheon Aircraft Corporation, decommissioning materials site [Sedgwick County]
 - 255 Agreement State materials licenses
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Wolf Creek, power reactor site [Coffey County]
- Kansas State University, research and test reactor site [Greenwood County]
- 13 NRC materials licenses

Kentucky

Agreement State – Agreement effective as of March 26, 1962

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Clariant, decommissioning materials site [Jefferson County]
 - Transport Logistics International, decommissioning materials site [Jefferson County]
 - 339 Agreement State materials licenses
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - Maxey Flats low-level waste disposal site (ceased operations in late 1970s) [Fleming County]

NRC Licensees

- 6 NRC materials licenses

Louisiana

Agreement State – Agreement effective as of October 1, 1966

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - 440 Agreement State materials licenses
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- River Bend, power reactor site [West Feliciana Parish]
- Waterford, power reactor site [St. Charles Parish]
- ISFSI site at the above sites
- 12 NRC materials licenses

Missouri

Agreement State – No agreement is in place, last expressed interest in agreement in approximately 2012

NRC Licensees

- Callaway, power reactor site [Callaway County]
- Callaway, ISFSI site
- University of Missouri – Columbia, research and test reactor site [Boone County]
- Missouri University of Science and Technology, research and test reactor site [Phelps County]
- Sigma Aldrick, materials site undergoing decommissioning [St. Louis County]
- Hematite, materials site undergoing decommissioning [Jefferson County]
- Mallinckrodt – sufficient material on-site to require an offsite emergency plan [St. Louis County]
- 223 NRC materials licenses

Ohio

Agreement State – Agreement effective as of August 31, 1999

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Advanced Medical Systems, materials site undergoing decommissioning [Cuyahoga County]
 - Ineos Nitriles USA, materials site undergoing decommissioning [Allen County]
 - 534 Agreement State materials licenses
- Regulatory authority to license uranium mills - no uranium mills, cleanup of sites that process uranium and thorium
 - Shieldalloy Cambridge, permanent disposal of source material in engineered cell [Guernsey County]
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Davis-Besse, power reactor site [Ottawa County]
- Perry, power reactor site [Lake County]
- ISFSI site at the above sites
- Ohio State University, research and test reactor site [Franklin County]
- American Centrifuge Plant, fuel cycle facility, under construction [Pike County]
- Lead Cascade, fuel cycle facility, facility decommissioned [Pike County]
- 40 NRC materials licenses

Oklahoma

Agreement State – Agreement effective as of September 29, 2000

- Regulatory authority for byproduct material, source material used for shielding, and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Halliburton – Osage Road, decommissioning materials site [Stephens County]
 - 224 Agreement State materials licenses
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Cimarron, decommissioning materials site [Logan County]
- FMRI (Fansteel), decommissioning materials site [Muskogee County]
- Sequoyah Fuels Corporation, decommissioning materials site [Sequoyah County]
- 12 NRC materials licenses

Pennsylvania

Agreement State – Agreement effective as of March 31, 2008

- Regulatory authority for byproduct, source, and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Global Tungsten & Powders Corporation, decommissioning materials site [Bradford County]
 - Westinghouse Electric, decommissioning materials site [Westmoreland County]
 - Whittaker Corporation, decommissioning materials site [Mercer County]
 - Global Advanced Metals USA, decommissioning materials site [Berks County]
 - Safety Light Corporation, decommissioning materials site [Columbia County]
 - Remacor, decommissioning materials site [Lawrence County]

- Keystone Metals Reduction, decommissioning materials site [Allegheny County]
- Karnish Instruments, decommissioning materials site [Clinton County]
- Superbolt (Superior Steel), decommissioning materials site [Allegheny County]
- 539 Agreement State materials licenses
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No known interest to construct a facility

NRC Licensees

- Beaver Valley, power reactor site [Beaver County]
- Limerick, power reactor site [Montgomery County]
- Peach Bottom, power reactor site [York County]
- Susquehanna, power reactor site [Luzerne County]
- ISFSI site at the above sites, as well as the Three Mile Island site
- Peach Bottom decommissioning power reactor site
- Three Mile Island decommissioning power reactor site [Dauphin County]
- Pennsylvania State University, research and test reactor site [Centre County]
- Shallow Land Disposal Area, decommissioning materials site [Westmoreland County]
- 42 NRC materials licenses

Tennessee

Agreement State – Agreement effective as of September 1, 1965

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - CB&I Federal Services, decommissioning materials site [Knox County]
 - 502 Agreement State materials licenses
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - No interest to construct a facility

NRC Licensees

- Browns Ferry, power reactor site [Limestone County]
- Sequoyah, power reactor site [Hamilton County]
- Watts Bar, power reactor site [Rhea County]
- ISFSI site at the above sites
- Early Site Permit for two or more small modular reactor modules at the Clinch River nuclear site [Roane County]
- Nuclear Fuel Services, fuel cycle facility [Unicoi County]
- 21 NRC materials licenses

Texas

Agreement State – Agreement effective as of March 1, 1963, as amended on March 24, 1982

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - Solvay USA, decommissioning materials site [Brazoria County]
 - Kensington Title Service, decommissioning materials site [Denton County]
 - Thomas Maloney, decommissioning materials site
 - Pearland-Manvel Landfill, decommissioning materials site [Brazoria County]
 - Ascend Performance Materials, decommissioning materials site [Brazoria County]
 - 1,404 Agreement State materials licenses

- Regulatory authority to license uranium mills - no active uranium mills
 - Conoco-Phillips – materials site, decommissioning [Karnes County]
 - ExxonMobil – materials site, decommissioning [Live Oak County]
 - Intercontinental Energy – materials site, license termination [Live Oak County]
 - Rio Grande Resources – materials site, decommissioning [Karnes County]
- Regulatory authority to approve sealed sources and devices for distribution
- Regulatory authority for the licensing of a low-level waste disposal facility
 - Waste Control Specialists' Andrews facility - active site [Andrews County]

NRC Licensees

- Comanche Peak, power reactor site [Somervell County]
- South Texas, power reactor site [Matagorda County]
- ISFSI site at the above sites
- Interim Storage Partners, LLC, consolidated interim storage facility for spent nuclear fuel [Andres County]
- Texas A&M University, research and test reactor site [Brazos County]
- University of Texas, research and test reactor site [Travis County]
- License application for 2 additional power reactor units at Comanche Peak site – review currently suspended
- 43 NRC materials licenses

West Virginia

Agreement State – No agreement is in place

NRC Licensees

- 133 NRC materials licenses

Wisconsin

Agreement State – Agreement effective as of August 11, 2003

- Regulatory authority for byproduct, source and small quantities of special nuclear materials used at academic, commercial and medical facilities
 - 284 Agreement State materials licenses

NRC Licensees

- Point Beach, power reactor site [Manitowoc County]
- Point Beach, La Crosse, and Kewaunee ISFSI sites
- Kewaunee decommissioning power reactor site [Kewaunee County]
- LaCrosse decommissioning power reactor site [Vernon County]
- University of Wisconsin, research and test reactor site [Dave County]
- 6 NRC materials licenses