



J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

January 9, 2023

Dr. Earthea Nance, Regional Administrator  
U.S. Environmental Protection Agency, Region VI (ORA)  
1201 Elm Street, Suite 500  
Dallas, Texas 75270

Subject: Designation of the Fansteel Metals/FMRI site as the State of Oklahoma's Highest Priority Facility under CERCLA § 105(a)(8)(B).

Dear Regional Administrator Nance:


As you are aware, the Comprehensive, Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 – 9675, provides the U.S. Environmental Protection Agency ("EPA") with extensive authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Pursuant to CERCLA § 105, the President of the United States, through the EPA, is required to establish and revise the National Priorities List ("NPL"), which identifies national priorities among the known releases or threatened releases throughout the Nation. *See* 42 U.S.C. § 9605(a). The NPL "shall include among the one hundred highest priority facilities one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. A State shall be allowed to designate its highest priority facility only once." *Id.* at § 9605(a)(8)(B); *see also* 40 C.F.R. § 300.425(c)(2). The State of Oklahoma has never designated a "highest priority facility." Through this letter, I hereby designate the Fansteel Metals/FMRI site (OKD007221831) located in Muskogee, Oklahoma as the State of Oklahoma's highest priority facility under 42 U.S.C. § 9605(a)(8)(B) and 40 C.F.R. § 300.425(c)(2).

Between 1956 and 1989, Fansteel, Inc. ("Fansteel") processed ore and tin slags to extract the metals tantalum and niobium/columbium. This activity and the processes used resulted in the site being contaminated with radioactive uranium and thorium, as well as heavy metals, acids, and organic solvents. These contaminants are long-lived and require intervention for removal and disposal. The 110-acre site is located in the Port of Muskogee, along the western bank of the Arkansas River. Radioactive and chemical contaminants remain on building and equipment surfaces, in soils, in two waste pits holding residual processing materials, in four surface impoundments associated with the wastewater treatment process, and in groundwater. The site also poses risk from other physical hazards.

In 2002, Fansteel filed for bankruptcy. The result of the bankruptcy was the creation of FMRI, a wholly owned subsidiary of Fansteel. FMRI was created for the sole purpose of decommissioning the site. The Fansteel decommissioning plan was approved by, and under the jurisdiction of, the Nuclear Regulatory Commission (“NRC”), as a four-phased approach: (1) excavate and remove process wastes for off-site disposal; (2) remediate ponds; (3) remediate buildings, equipment and soils; (4) remediate groundwater. The radiological and non-radiological contaminants were considered to be commingled and the decommissioning plan, if fully implemented, would address all contaminants on site. Phase 1 was started but never completed, and Phases 2, 3, and 4 were never started. Fansteel filed for bankruptcy again in 2016. This bankruptcy is pending, and the outcome will be liquidation. The NRC has a limited amount of money in a decommissioning trust for the site that is currently being applied to site security and wastewater treatment. It is estimated that the trust money will only last another two years. With no intervention, the site is at risk of becoming completely abandoned when the funds remaining in the NRC decommissioning fund are exhausted.

The State of Oklahoma appreciates your assistance with placing the Fansteel Metals/FMRI facility on the NPL, and EPA’s assistance in addressing the contamination at the site. If you or EPA staff have any questions related to this designation or need additional information regarding the site, please contact Ken McQueen, Secretary of Energy & Environment, or Scott Thompson, Executive Director, Oklahoma Department of Environmental Quality.

Sincerely,



J. Kevin Stitt  
Governor

cc: Ken McQueen, Secretary of Energy & Environment  
Scott Thompson, Executive Director, Oklahoma DEQ  
John Meyer, Acting Director, Superfund Division, EPA Region 6