



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

April 2, 2024

Honorable David Hill, Principal Chief
Muscogee Nation
1007 East Eufaula Street
Okmulgee, OK 74447

SUBJECT: REQUEST TO INITIATE SECTION 106 CONSULTATION REGARDING THE
LICENSE TERMINATION PLAN FOR CRYSTAL RIVER UNIT 3 IN CITRUS
COUNTY, FLORIDA (DOCKET NUMBER: 50-302)

Dear Principal Chief, David Hill:

The U.S. Nuclear Regulatory Commission (NRC) is conducting an environmental review for a license amendment requesting approval of a license termination plan (LTP) for Crystal River Unit 3 (CRU3) submitted by Accelerated Decommissioning Partners (ADP) CR3, LLC (ADP CR3) on December 12, 2022, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. CRU3 is located at 15760 West Powerline Street in Crystal River, Florida within the Crystal River Energy Complex as shown on figure 1. Approval of the LTP would establish criteria that if met would result in the release of a majority of the CRU3 site for unrestricted use; a small portion of the site used for the dry storage of spent nuclear fuel (also known as an independent spent fuel storage installation [ISFSI]) would remain under the NRC license for restricted use. The NRC staff is currently reviewing the LTP application.

The application is available through the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <https://www.nrc.gov/reading-rm/adams.html#web-based-adams>. The environmental report portion of the application is listed under ADAMS ML23160A296 and is available at <https://www.nrc.gov/docs/ML2316/ML23160A296.pdf>.

In accordance with 10 CFR 50.82(a)(9)(ii), licensees must submit an LTP prior to license termination. The NRC staff review guidance in NUREG-1700, "Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans," and consider the following: (a) the adequacy of the licensee's decommissioning funding plan to assure that sufficient funding is available to complete the remaining radiological remediation activities; (b) the radiation-release criteria for license termination; and (c) the adequacy of the design of the final status survey to verify that the radiological release criteria have been met. The final status survey is the radiological survey performed after an area has been fully characterized, remediation has been completed, and the area is ready to be released. In accordance with 10 CFR 50.82(a)(11), the NRC shall terminate the CRU3 operating license (except for the ISFSI) upon the licensee's demonstration that the remaining dismantlement has been performed in accordance with the LTP and that it has met the radiological release criteria for unrestricted use under 10 CFR 20.1402.

The NRC staff is preparing an environmental assessment (EA) under the National Environmental Policy Act of 1969, as amended (NEPA), to determine whether to prepare an environmental impact statement or finding of no significant impact. In accordance with 36 CFR 800 "Protection of Historic Properties" Section 800.8(c), the NRC staff is using the NEPA process to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The EA will include identification of historic and cultural resources and historic properties, an analysis of potential effects of the proposed action, including potential effects on historic and cultural resources and historic properties as well as the NRC staff's preliminary determination. The purpose of this letter is to initiate NHPA Section 106 consultation.

As part of conducting the NHPA Section 106 process for this review, the NRC staff has reviewed the current and historic land use within and immediately adjacent to CRU3. CRU3 was officially retired on February 5, 2013. On January 22, 2019, ADP CR3 submitted a partial site release request with the NRC to reduce the licensed footprint by releasing 3,854 acres of the "non-impacted" areas from the 4,738-acre site per 10 CFR 50.83; the NRC approved the release of the non-impacted areas on January 2, 2020. The current approximately 884-acre site, also referred to as the controlled area, is defined by the new site boundary depicted in figure 2.

Construction of CRU3 began in 1968 and was completed in 1976 and involved excavation to a depth of approximately 60 feet below grade and then constructing the nuclear power station, backfilling around the deeper structures to form a "berm" or elevated area constructed of crushed limestone to approximately 21 feet above grade. Current activities only involve removing above grade structures, decontaminating and backfilling deep basements, and removing all buried structures to a depth of three feet below ground surface from the elevated berm described earlier. There will be no disturbance to native soil and limited disturbances associated with settling pond 1 and the former shooting range, where remedial activities have already been completed under Florida Department of Environmental Protection oversight (figure 3). Furthermore, there will be no tree clearing. Decommissioning includes the removal of all above grade buildings and structures and some paved surfaces within the CRU3 footprint, which is approximately 27 acres. The CRU3 footprint, as depicted on figure 3, includes buildings where land disturbances are anticipated; these areas were previously disturbed during construction of the facility. The CRU3 project does not propose any additional new ground disturbance and the "berm" area will be left as a crushed limestone pad. The NRC staff has determined the direct area of potential effects (APE) to be the 27-acre footprint (figure 3). The APE for indirect effects will be the remaining approximately 857-acre site boundary (figure 2).

The NRC staff reviewed numerous cultural resources surveys that cover the direct and indirect APE and surrounding vicinity; as well as conducting research with the Florida Master Site File.

Pursuant to 36 CFR 800.8(c)(1)(iii), the NRC wishes to ensure that Indian Tribes who might attach religious and cultural significance to historic properties in the APE are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious, and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

The NRC staff has made a copy of the historic and cultural resources sections of the draft EA available for your review and comment at:

<https://www.nrc.gov/info-finder/decommissioning/power-reactor/cr3.html>.

The NRC requests that you submit any comments or concerns on the NRC's Section 106 consultation and historic and cultural resources evaluation within 30 days of receipt of this letter. Comments, questions, and concerns may be submitted to Beau Goldstein, staff Archaeologist at 301-415-3835 or via email at Beau.Goldstein@nrc.gov; or the Environmental Project Manager, Amy Minor, at 817-200-1454 or via email at amy.hestermminor@nrc.gov.

Sincerely,



Signed by Moses, John
on 04/02/24

John M. Moses, Deputy Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-302

Enclosure:

Figure 1. Overview of Project Location

Figure 2. 884-Acre Site Map; Indirect APE

Figure 3. Direct APE

cc:

Turner Hunt, Tribal Historic Preservation Officer

Section106@muscogeenation.com

Crystal River Unit 3 S106 Initiation Letters to Tribes DATE April 2, 2024

DISTRIBUTION:

ADAMS Accession No.: 24054A076; Ltr ML24079A248

*** via email**

OFFICE	NMSS/REFS/ERMB	NMSS/REFS/ERMB	NMSS/REFS /ERMB	OGC/GCRPS/RMR /NLO*
NAME	AWalker-Smith <i>AW</i>	MMorales <i>MM</i>	MRome <i>MR</i>	AGendelman <i>AG</i>
DATE	Feb 27, 2024	Feb 27, 2024	Feb 28, 2024	Mar 15, 2024
OFFICE	NMSS/REFS/ERMB	NMSS/REFS		
NAME	BGoldstein <i>BG</i>	JMoses <i>JM</i>		
DATE	Mar 18, 2024	Apr 2, 2024		

OFFICIAL RECORD COPY