



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

May 10, 2024

Honorable Chuck Hoskin, Jr., Principal Chief
Cherokee Nation
P.O. Box 984
Tahlequah, OK 74465-0948

SUBJECT: REQUEST TO INITIATE SECTION 106 CONSULTATION FOR THE
UNIVERSITY OF TEXAS AUSTIN NETL TRIGA REACTOR LICENSE
RENEWAL APPLICATION (DOCKET NUMBER: 050-0602)

Dear Principal Chief Chuck Hoskin, Jr.:

The U.S. Nuclear Regulatory Commission (NRC) staff is conducting an environmental review for a license renewal application submitted by the University of Texas at Austin (UTA) for the renewal of the NETL TRIGA reactor license in Austin, Texas. The license renewal application (LRA) was submitted to the NRC by letter dated December 12, 2011 (Agencywide Documents Access and Management System (ADAMS) ML12156A097), as supplemented by letter dated July 23, 2020 (ML20203M166) and Preliminary Safety Analysis Report (PSAR) dated September 15, 2023 (ML23258A162), pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," and Section 104c of the Atomic Energy Act of 1954, as amended. An environmental report was submitted as part of the LRA as Chapter 19 of UTA's PSAR. These documents may be obtained online in the NRC's ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov.

The NETL TRIGA reactor is located at the J.J. Pickle Research Campus in the City of Austin, Texas. The NETL TRIGA reactor received its operating license on January 17, 1992. The J.J. Pickle Research campus encompasses approximately 226 acres (91.4 hectares). The location for the NETL TRIGA reactor is within the Nuclear Engineering Teaching Lab building on the northeastern side of the campus. No additional land is being disturbed, cleared, or graded as part of the proposed action to renew the license.

As part of its review, 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, pursuant to 10 CFR 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800, "Protection of Historic Properties," paragraph 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, and the NRC staff's preliminary determination. The purpose of this letter is to initiate NHPA Section 106 government-to-government consultation.

Pursuant to 36 CFR 800.2(c)(2)(ii), the NRC wishes to ensure that Indian Tribes that might attach religious and cultural significance to historic properties in the area of potential effect 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.

As your Tribe has ties to Texas, the NRC invites you to submit any comments or concerns on the environmental review within 30 days of receiving this letter. Comments and concerns may be submitted by any of the following methods:

- Email comments to: Madelyn.Nagel@nrc.gov or
- Mail comments to: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

The NRC staff expects to publish the draft EA in June 2024. A copy of the draft EA will be made available for your review and comment.

If you have any questions concerning the NRC's NHPA Section 106 consultation and associated historic and cultural resources review of the LRA for the NETL TRIGA reactor, please contact Beau Goldstein, Staff Archeologist, via email at Beau.Goldstein@nrc.gov; or Madelyn Nagel, Environmental Project Manager, via email at Madelyn.Nagel@nrc.gov.

Sincerely,



Signed by Moses, John
on 05/10/24

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

Docket No. 050-00602

cc: Listserv

Elizabeth Toombs
Tribal Historic Preservation Officer
elizabeth-toombs@cherokee.org

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