



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

August 20, 2025

Brad KillsCrow, Chief  
Delaware Tribe of Indians  
5100 Tuxedo Blvd  
Bartlesville, OK 74006

SUBJECT: INITIATION OF SECTION 106 CONSULTATION FOR THE ENVIRONMENTAL REVIEW OF THE OYSTER CREEK NUCLEAR GENERATING STATION LICENSE TERMINATION PLAN (DOCKET NUMBER: 05000219)

Dear Chief Brad KillsCrow:

The purpose of this letter is to initiate Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), for a U.S. Nuclear Regulatory Commission (NRC) environmental review. Specifically, the NRC is conducting an environmental review for a license amendment requesting approval of a license termination plan (LTP) for Oyster Creek Nuclear Generating Station (OCNGS) submitted by Holtec Decommissioning International, LLC on August 1, 2024, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities." OCNGS is located at 741 Route 9 South, Forked River, New Jersey. Approval of the LTP would establish criteria that if met would result in the release of a majority of the OCNGS 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. The NRC staff is currently reviewing the LTP.

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 application submitted on August 1, 2024 is available under ADAMS Package Accession No. [ML24214A209](#), and updated application documents submitted on April 29, 2025 are available under ADAMS Package Accession No. [ML25119A267](#). The environmental report portion of the application is found in Section 8 of the LTP, Revision 1 (dated April 2025), which is available under ADAMS Accession No. [ML25119A269](#). Historic and cultural resources are discussed in Section 8.8.13.

In accordance with 10 CFR 50.82(a)(9)(i), licensees must submit an LTP at least two years 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 OCNCS 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.

As part of its environmental review of the OCNCS LTP, the NRC staff will prepare an environmental assessment (EA) that will be used to determine whether an environmental impact statement is necessary or a finding of no significant impact is warranted to satisfy the NRC's obligations under the National Environmental Policy Act of 1969, as amended (NEPA), as implemented by the NRC's regulations at 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.8(c), the NRC intends to comply with Section 106 of the NHPA through the NEPA process in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Therefore, the EA will include the identification of historic properties and historic and cultural resources, an assessment of impacts, and a determination. During the preparation of the EA, the NRC will follow the procedural requirements and standards set out in 36 CFR 800.8(c).

In the context of the NHPA, the NRC has determined that the area of potential effects (APE) for the OCNCS LTP is the 152-acre licensed site identified in Sections 1 and 8 of the LTP, Revision 1 (dated April 2025).

Pursuant to 36 CFR 800.8, the NRC wishes to ensure that Indian Tribes that 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, articulate their views on the undertaking's effects on such properties, and, if necessary, participate in the resolution of any adverse effects to such properties.

Pursuant to 36 CFR 800.8, the NRC invites you to submit any comments or concerns that you may have regarding NHPA Section 106 consultation for the OCNCS LTP within 30 days. The NRC will forward the draft historic and cultural resources section of the EA to you for your review and comment. After consideration of public comments and comments received from consulting parties, the NRC plans to issue the EA in April 2026.

Please note that future correspondence will be sent via electronic format. If you would prefer to receive hard copy correspondence, please contact the points of contact listed below.

If you have any questions concerning the NRC's NHPA Section 106 consultation, please contact Beau Goldstein, Staff Archaeologist, by phone at 301-415-1765 or via email at [Beau.Goldstein@nrc.gov](mailto:Beau.Goldstein@nrc.gov) or Isaac Johnston, Environmental Project Manager, by phone at 301-415-5649 or via email at [Isaac.Johnston@nrc.gov](mailto:Isaac.Johnston@nrc.gov).

Sincerely,



Signed by Davis, Desiree  
on 08/20/25

Desiree Davis, Acting Chief  
Environmental Technical Review Branch 1  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 05000219

cc:

[His.pres@delawaretribe.org](mailto:His.pres@delawaretribe.org)

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DATED: August 20, 2025

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**ADAMS Accession No: ML25212A148 (Package)**

**\*concurred via email**

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