



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

January 5, 2023

David Hill, Principal Chief
Muscogee (Creek) Nation of Oklahoma
P.O. Box 580
Okmulgee, OK 74447

SUBJECT: NOTIFICATION OF AND INVITATION FOR FORMAL SECTION 106
CONSULTATION PURSUANT TO THE NATIONAL HISTORIC
PRESERVATION ACT REGARDING AN APPLICATION BY TRISO-X, LLC FOR
A SPECIAL NUCLEAR MATERIAL LICENSE FOR THE MANUFACTURE OF
LOW-ENRICHED URANIUM FUEL AT A FUEL FABRICATION FACILITY TO
BE LOCATED IN ROANE COUNTY, TENNESSEE (DOCKET NUMBER:
70-7027)

Dear Principal Chief Hill:

The U.S. Nuclear Regulatory Commission (NRC) received an application from TRISO-X, LLC (TRISO-X), by letters dated April 5, and September 23, 2022, for a license to possess and use special nuclear material for the manufacture of high-assay low-enriched uranium (HALEU) fuel at a fuel fabrication facility (FFF) to be located in Oak Ridge, Roane County, Tennessee. The NRC accepted TRISO-X's application for detailed review on November 22, 2022. The TRISO-X FFF is centered at approximately 35°57'41.132" N latitude, and 84°22' 13.367" W longitude. Maps showing the proposed project location in Roane County, Tennessee, are enclosed (Enclosures 1 and 2).

The Environmental Impact Statement (EIS) will be prepared in accordance with the regulatory provisions in title 10 of the *Code of Federal Regulations* (10 CFR) part 51, which implement the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with title 36 of the *Code of Federal Regulations* (36 CFR) section 800.8 (Coordination with the National Environmental Policy Act), the NRC staff will use the NEPA process to comply with its obligations under section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). The EIS will include analyses of potential impacts to historic and cultural resources.

Through this letter, the NRC staff invites your Tribe to participate as a consulting party under section 106 of the NHPA and assist in the identification and evaluation of historic properties that may be affected by TRISO-X's proposed action and in the development of proposals to address adverse effects that may be identified during the evaluation process.

Please indicate whether or not you wish to participate as a consulting party by providing an email response to, marla.morales@nrc.gov or calling 301-415-0715. The NRC staff requests a timely response from interested participants in order to realize the benefits of early engagement on historic and cultural resources under the NHPA section 106 consultation process. You may also contact us if you want to discuss concerns about the confidentiality of information that may be provided to the NRC. Please note that according to NRC policy, correspondence provided to the NRC, including emails, may be made publicly available. Therefore, the NRC recommends

that the Tribe avoid including any information in its submission that tribal officials do not want to be publicly disclosed (e.g., personal email addresses).

For additional information, documents related to the TRISO-X Fuel Fabrication application are available on the NRC's project webpage at <https://www.nrc.gov/info-finder/fc/triso-x>. If you would like a copy of the application or any other publicly available project-related documents, please contact the NRC staff identified below.

The NRC appreciates the opportunity to consult with you on issues regarding this proposed license application. For the purposes of meeting with tribal leaders, the Division of Rulemaking, Environmental, and Financial Support's Division Director, Deputy Division Director, or Environmental Review Branch Chief will represent the NRC.

In accordance with 10 CFR 2.390 of the NRC's, "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records components of NRC's Agencywide Documents and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or need any additional information regarding the license application or the EIS process, please contact Marla Morales by telephone at 301-415-0715, or via email at marla.morales@nrc.gov.

Sincerely,



Signed by Moses, John
on 01/05/23

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

Docket No. 70-7027

Enclosures:

1. Site Location of the Proposed Fuel Fabrication Facility
2. Topographic Map of the Proposed Fuel Fabrication Facility Location

cc: Turner Hunt, THPO
thunt@muscogeenation.com

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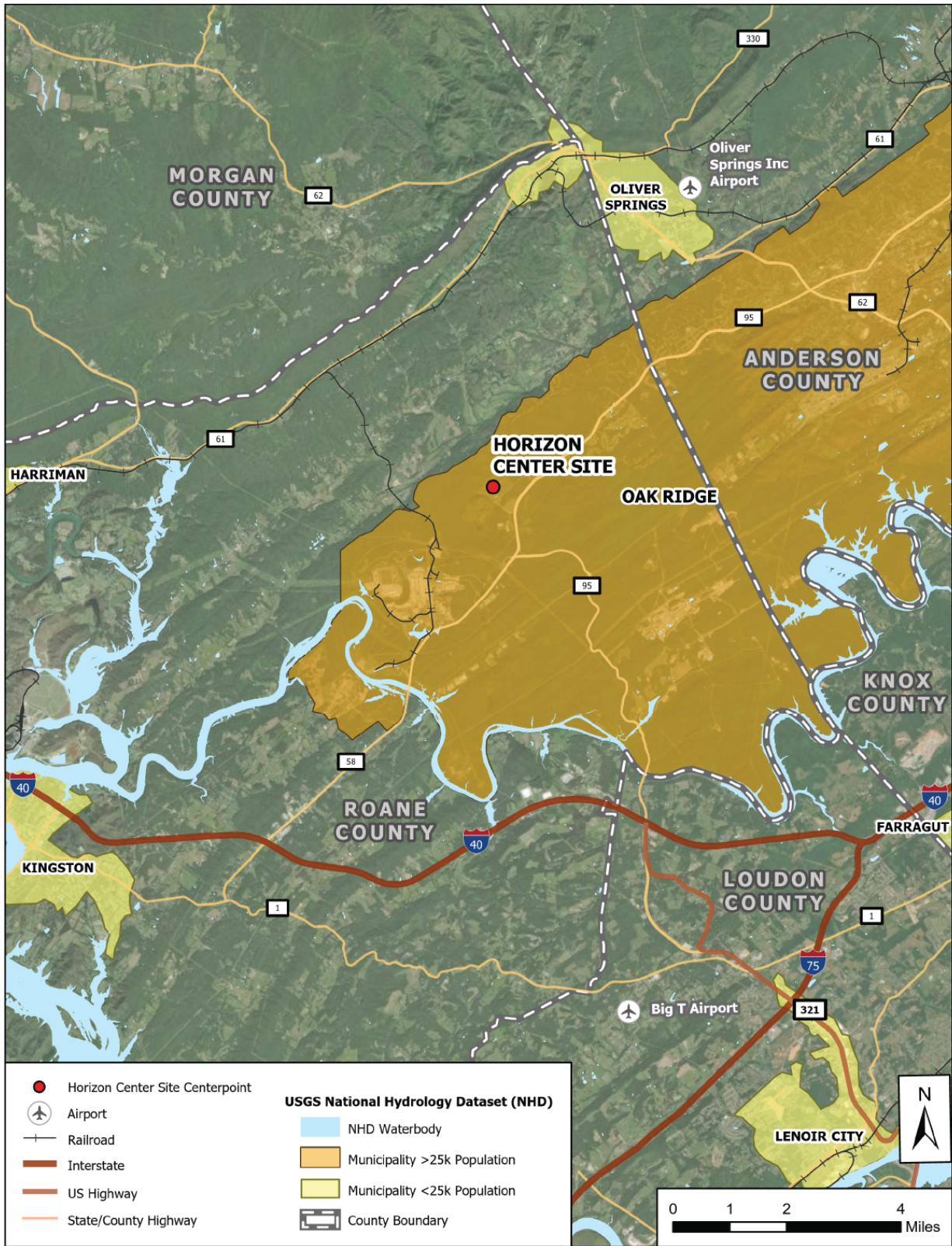
REFS r/f

J. Caverly, REFS

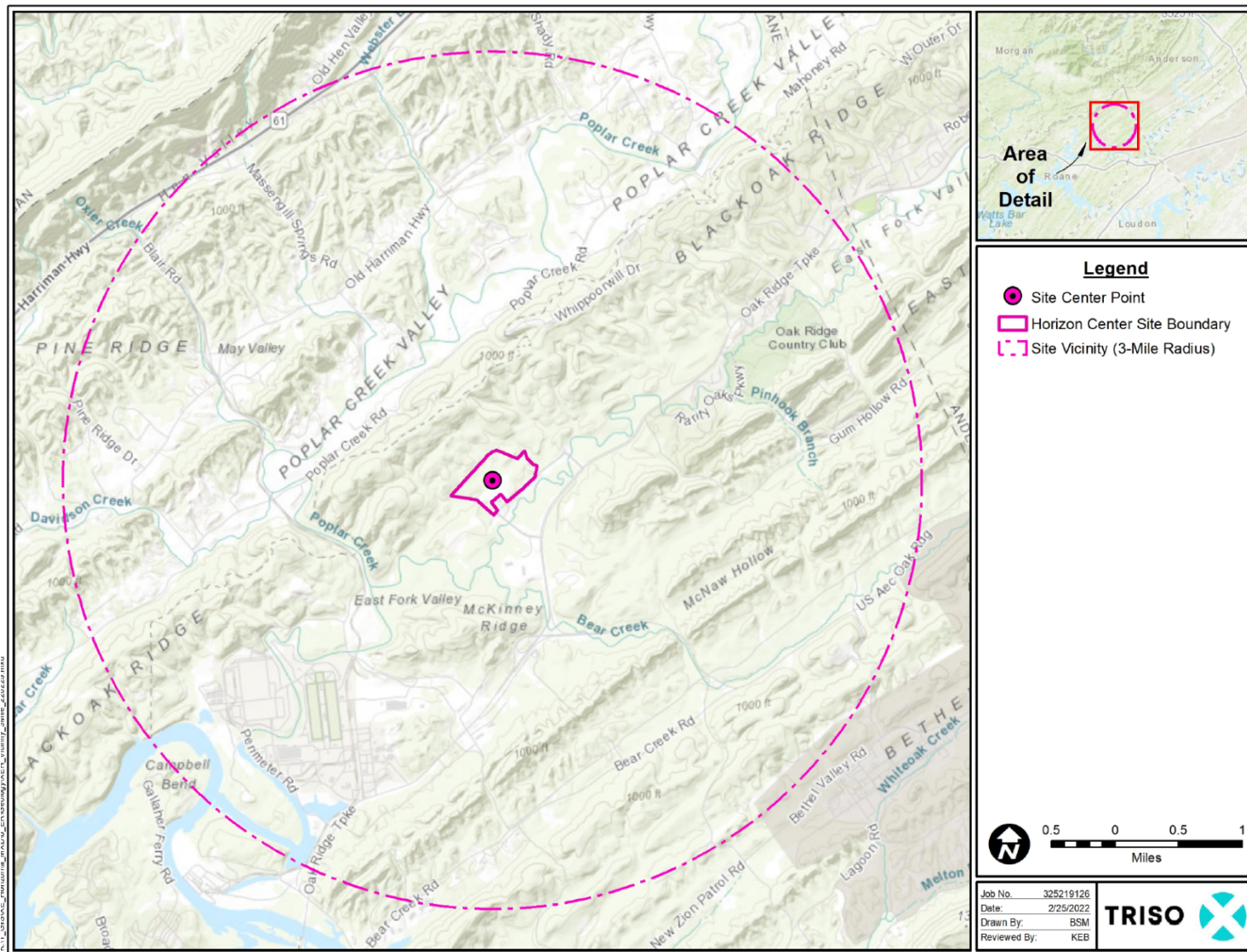
M. Bartlett, DFM

N. Morgan, MSSTR

L. Vechioli Feliciano, NRR/DANU/UAL1



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