



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 8, 2010

Jan V. Biella
State Historic Preservation Officer
State of New Mexico
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501

SUBJECT: RENEWAL OF THE UNIVERSITY OF NEW MEXICO RESEARCH REACTOR LICENSE

Dear Ms. Biella:

The University of New Mexico applied to the United States Nuclear Regulatory Commission (NRC) for renewal of its license to continue operating their research reactor. The research reactor, which has operated since 1966, is located in the Nuclear Engineering Laboratory on the University's campus in Albuquerque, New Mexico. The research reactor is used for the teaching and training of students.

NRC regulations in 10 CFR Part 51 require that an environmental assessment be performed prior to the renewal of a research reactor license. Furthermore, the National Historic Preservation Act (NHPA) requires that the environmental assessment consider the effects of the license renewal on historic properties. The NRC's procedure for performing this environmental assessment is described in the NRC's Office of Nuclear Reactor Regulation Instruction LIC-203, Revision 2 (LIC-203). LIC-203 requires, in part, that the license reviewer determine if the potential exists for historic and archeological resources to be affected by the proposed license renewal. If the license reviewer determines that the license renewal has the potential to affect historic and archeological resources, the reviewer is instructed to contact the appropriate State Historic Preservation Officer and initiate a NHPA Section 106 review. If the reviewer concludes that the license renewal has no potential to affect historic and archeological resources, this conclusion is documented within the draft environmental assessment and no further action is required.

In the case of the University of New Mexico research reactor, the license reviewer made the determination that the license renewal had no potential to affect historic and archeological resources and this conclusion was documented within the draft environmental assessment. The reviewer's conclusion was based on her determination that the Nuclear Engineering Laboratory and research reactor was not on the National Registry of Historic Places, that no properties listed in the National Registry were near by the Nuclear Engineering Laboratory and that the license renewal would not require, or result in, any changes to the reactor, the facilities housing the reactor or the grounds/facilities/environment surrounding the reactor building. Shortly after the environmental assessment was drafted, we received a request from a newly-involved manager to alter the LIC-203 procedure and have the license reviewer informally contact the SHPO, discuss the proposed action, and provide the SHPO with an opportunity to provide comment. Unfortunately, the University of New Mexico environmental assessment had already been scheduled for publication so there was insufficient time for us to obtain your

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comments before the environmental assessment was published. For this I am sorry. The environmental assessment was published as a Federal Register Notice on May 14, 2010. A copy of the Federal Register Notice is enclosed.

We anticipate that the University of New Mexico research reactor license will be renewed during the last week of June 2010. If you would like to discuss the environmental assessment and license renewal, please contact me at 610-337-5309. I can also be reached at james.dwyer@nrc.gov.

We appreciate your cooperation.

Sincerely,

***Original signed by Thomas K. Thompson
For***

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Federal Register Notice dated May 14, 2010

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Enclosure:
Federal Register Notice dated May 14, 2010

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