

August 14, 2012

Mr. Mark R. Chino, President
Mescalero Apache Tribe
75 Carrizo Canyon Rd.
P.O. Box 229
Mescalero, NM 88340

SUBJECT: NOTIFICATION OF THE ISSUANCE OF THE FINAL ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED FLUORINE EXTRACTION
PROCESS AND DEPLETED URANIUM DECONVERSION PLANT IN LEA
COUNTY, NEW MEXICO

Dear President Chino:

The U.S. Nuclear Regulatory Commission (NRC) has prepared the "Final Environmental Impact Statement (EIS) for the Proposed Fluorine Extraction Process and Depleted Uranium Deconversion Plant in Lea County, New Mexico" (NUREG-2113). This Final Environmental Impact Statement includes an analysis of relevant environmental issues, including information on potential impacts to historic and cultural resources, and documents the NRC staff's determination regarding the environmental impacts from the construction, operation, and decommissioning of the proposed DUF₆ deconversion facility.

On June 29, 2010, the NRC staff notified the Mescalero Apache Tribe that it will comply with its obligations under Section 106 of the *National Historic Preservation Act of 1966*, as amended (NHPA), using the process set forth in Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c). Pursuant to 36 CFR 800.8(c), the NRC staff is using the preparation of the EIS required by the National Environmental Policy Act of 1969, as amended (NEPA), to comply with its obligations under Section 106 of the NHPA. The NRC staff is using 36 CFR 800.8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6.

On January 5, 2012, the NRC staff transmitted a copy of the Draft EIS to you for your review and comment, pursuant to Title 36 of the *Code of Federal Regulations*, Part 800.8(c). The NRC staff notified you that it would comply with its obligations under Section 106 of the *National Historic Preservation Act of 1966*, as amended (NHPA), using the process set forth in 36 CFR 800.8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6. Appendix F of the Final EIS presents the comments received on the Draft EIS and the NRC responses to those comments.

After a review of the potential impacts of the proposed action, the NRC has determined that the proposed action will not adversely affect any historic properties. On February 7, 2012, the New Mexico State Historical Preservation Office concurred in this determination.

Enclosed is a copy of the Final EIS on a compact disc (CD).

M. Chino

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If you have any questions or require additional information, please contact Mr. Asimios Malliakos, Project Manager, by phone at 301-415-6458, or by e-mail at Asimios.Malliakos@nrc.gov.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9086

Enclosure: Final EIS (CD copy)

cc: H. Houghten

M. Chino

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