

August 22, 2012

Ms. Jan V. Biella  
Interim New Mexico State Historic  
Preservation Officer  
Historic Preservation Division  
Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

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 Ms. Biella:

The U.S. Nuclear Regulatory Commission (NRC) has prepared the "Final Environmental Impact Statement for the Proposed Fluorine Extraction Process and Depleted Uranium Deconversion Plant in Lea County, New Mexico" (NUREG-2113). This Final Environmental Impact Statement (EIS) 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 potential environmental impacts from the construction, operation, and decommissioning of the proposed uranium processing facility.

By letter dated January 4, 2012, the NRC staff informed the New Mexico State Historic Preservation Officer that it had completed the Draft EIS, as part of its review of the application submitted by International Isotopes Inc., for a license to construct and operate, and eventually decommission (under a separate NRC licensing action) a uranium processing facility to be located in Lea County, New Mexico.

The NRC staff also 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 Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c). Pursuant to 36 CFR 800.8(c), the NRC staff used 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, and that it was using 36 CFR 800.8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6.

In preparing the Final EIS, the NRC staff reviewed, considered, evaluated, and addressed the comments received on the Draft EIS. Appendix F of the Final EIS presents the comments received on the Draft EIS and the NRC responses to those comments.

J. Biella

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As discussed in the January 4, 2012 letter, after a review of the potential impacts of the proposed action and based on the results of the cultural resources survey and the results of consultation with Native American Tribes, the NRC has determined that the proposed action will not adversely affect any historic properties. Your office concurred in this determination (no historic properties affected) on February 7, 2012.

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

If you have any questions or need additional information, please contact Asimios Malliakos, Project Manager, by phone at 301-415-6458, or by email at [Asimios.Malliakos@nrc.gov](mailto:Asimios.Malliakos@nrc.gov).

Sincerely,

**/RA/**

Kevin Hsueh, Chief  
Environmental Review Branch  
Environmental Protection  
and Performance Assessment Directorate  
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: S. Cata, Tribal Liaison

J. Biella

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As discussed in the January 4, 2012 letter, after a review of the potential impacts of the proposed action and based on the results of the cultural resources survey and the results of consultation with Native American Tribes, the NRC has determined that the proposed action will not adversely affect any historic properties. Your office concurred in this determination (no historic properties affected) on February 7, 2012.

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If you have any questions or need additional information, please contact Asimios Malliakos, Project Manager, by phone at 301-415-6458, or by email at [Asimios.Malliakos@nrc.gov](mailto:Asimios.Malliakos@nrc.gov).

Sincerely,

Kevin Hsueh, Chief  
Environmental Review Branch  
Environmental Protection  
and Performance Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 40-9086

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