

August 22, 2012

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building, Suite 803
1100 Pennsylvania Avenue, NW
Washington, DC 20004

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

Dear Mr. Nelson:

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

In a letter dated January 4, 2012, the NRC staff informed the Advisory Council on Historic Preservation 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 DUF₆ deconversion facility to be located in Lea County, New Mexico.

The NRC staff transmitted a copy of the Draft EIS to you for your review and comment. 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. The NRC staff also sent the Draft EIS to the New Mexico State Historic Preservation Officer (SHPO), potentially interested Tribes, and other potentially interested parties.

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.

As discussed in the January 4, 2012, letter, the applicant's archaeological consultant completed a cultural resources survey in May 2009 on the entire 249-ha (640-ac) parcel and documented the results of that survey in a negative survey report entitled *Cultural Resources Survey of 640 Acres for the Arkansas Junction Site, Lea County, NM (NMCRIS Activity No. 113862)*. The survey resulted in the identification of three isolated artifacts. The isolated occurrences were recorded, and no further work was recommended.

The NRC staff also contacted six Native American Tribes, Nations, or organizations identified as having potential interest in the proposed undertaking. Three groups responded and, of these, two Tribes stated that no known historic properties would be adversely affected; however they requested that they be contacted if inadvertent discoveries are made. The third Tribe had no comments on the project.

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. On February 7, 2012, the New Mexico State Historical Preservation Office concurred in this determination.

Enclosed is a copy of the Final EIS.

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.

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

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Kevin Hsueh, Chief
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