

August 22, 2012

Mr. Ray Powell, Commissioner
State of New Mexico
Commissioner of Public Lands
310 Old Santa Fe Trail
P.O. Box 1148
Santa Fe, NM 87504

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 Mr. Powell:

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.

In a letter dated January 4, 2012, the NRC staff informed the Commissioner of Public Lands office 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 on a site in Lea County, New Mexico. A copy of the Draft EIS was enclosed for your review and comment. 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.

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.

R. Powell

2

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 staff has determined that the proposed action will not adversely affect any historic properties. On February 7, 2012, the New Mexico SHPO concurred in this determination.

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.

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: David Eck, Trust Land Archaeologist

R. Powell

2

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 staff has determined that the proposed action will not adversely affect any historic properties. The NRC staff received concurrence from the New Mexico SHPO on February 7, 2012, stating no historic properties affected.

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.

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

Enclosure: Final EIS (CD Copy)

cc: David Eck, Trust Land Archaeologist

DISTRIBUTION:

| | | | |
|--------------|---------------|----------------|----------------|
| LCamper/FSME | PSilva/NMSS | MYoung/OGC | JKinneman/NMSS |
| APowell/OCA | DMcIntyre/OPA | TGody/RII | RHannah/RII |
| JLedford/RII | JWeil/OCA | DDiazToro/FSME | AWaldron/FSME |
| RidsNmssOd | | | |

ML12166A237

| | | | | |
|--------|-------------------------|--------------|----------|---------|
| OFFICE | DWMEP | DWMEP | OGC | DWMEP |
| NAME | AWaldron for AMalliakos | AWalkerSmith | DLenehan | KHsueh |
| DATE | 6/14/12 | 6/14/12 | 7/19/12 | 8/22/12 |

OFFICIAL RECORD COPY