



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 2, 2018

Mr. Levi Pesata, President
Jicarilla Apache Nation
P.O. Box 507
Dulce, NM 87528

SUBJECT: NOTIFICATION OF AND INVITATION FOR FORMAL SECTION 106
CONSULTATION PURSUANT TO THE NATIONAL HISTORIC
PRESERVATION ACT REGARDING HOLTEC INTERNATIONAL'S PROPOSED
HI-STORE CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT
NUCLEAR FUEL TO BE LOCATED IN LEA COUNTY, NEW MEXICO
(DOCKET NUMBER: 72-1051)

Dear President Pesata:

The U.S. Nuclear Regulatory Commission (NRC) received a license application from Holtec International (Holtec), by letter dated March 30, 2017, to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel at a site in Lea County, New Mexico. Holtec requested a license from the NRC to store 500 canisters or up to 8,680 metric tons uranium in the CISF and proposes to eventually store up to 10,000 canisters in the CISF. The NRC accepted Holtec's application for detailed review on February 28, 2018. A map showing the proposed project location in Lea County, New Mexico, is enclosed (Enclosure 1).

The Environmental Impact Statement (EIS) will be prepared in accordance with the regulatory provisions in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, which implement the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with 36 CFR Section 800.8 (Coordination with the National Environmental Policy Act), the NRC staff will use the NEPA process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). The EIS will include analyses of potential impacts to historic and cultural resources.

Through this letter, the NRC staff invites your Tribe to participate as a consulting party under Section 106 of the NHPA and assist in the identification and evaluation of historic properties that may be affected by Holtec's proposed action and in the development of proposals to address adverse effects that may be identified during the evaluation process.

Please indicate whether or not you wish to participate as a consulting party by completing the enclosed Tribal Response Form (Enclosure 2). The NRC staff asks that the form be returned soon, given our belief that early engagement on historic and cultural resources would be a benefit to the NHPA Section 106 consultation process. You may also contact us if you want to discuss concerns about the confidentiality of information that may be provided to the NRC. Please note that according to NRC policy, correspondence provided to the NRC, including emails, may be made publicly available. Therefore, the NRC recommends that the Tribe avoid including any information in its submission that tribal officials do not want to be publically disclosed (e.g., personal email addresses).

For additional information, documents related to the Holtec CISF application are available on the NRC's project webpage at <https://www.nrc.gov/waste/spent-fuel-storage/cis/holtec-international.html>. If you would like a copy of the application or any other publically available project-related documents, please contact the NRC staff identified below.

The NRC appreciates the opportunity to consult with you on issues regarding this proposed license application. For the purposes of meeting with tribal leaders, the Division of Fuel Cycle Safety, Safeguards, and Environmental Review's Division Director, Deputy Division Director, or Environmental Review Branch Chief will represent the NRC.

In accordance with 10 CFR 2.390 of the NRC's, "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records components of NRC's Agencywide Documents and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or need any additional information regarding the license application or the EIS process, please contact Ms. Jill Caverly by telephone at 301-415-7674, or via email at Jill.Caverly@NRC.gov.

Sincerely,

\RA\

Craig G. Erlanger, Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1051

Enclosures:

1. Map of the Proposed CISF Location
2. Tribal Response Form

cc w/encl.:

Dr. Jeffrey Blythe, THPO

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DATE: April 2, 2018

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