



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

July 29, 2021

VIA EMAIL ONLY

Mr. Gabe Aguilar, President
Mescalero Apache Tribe
P.O. Box 227
108 Central Avenue
Mescalero, NM 88340
c/o holly@mathpo.org

SUBJECT: NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR INTERIM STORAGE PARTNER'S PROPOSED CONSOLIDATED INTERIM STORAGE FACILITY LOCATED IN ANDREWS COUNTY, TEXAS (DOCKET NUMBER: 72-1050)

Dear President Aguilar:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed a final Environmental Impact Statement (FEIS) for Interim Storage Partners, LLC's license application for a consolidated interim storage facility for spent nuclear fuel in Andrews County, Texas. In the FEIS, the NRC staff has provided an analysis of relevant environmental issues and documented the staff's determination regarding the environmental impacts from the construction and operation of the proposed facility, including analyses of potential impacts to historical and cultural resources.

As stated in our invitation letters to participate in consultation dated March 24, 2017 and May 7, 2019 (available in NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Nos. ML17067A370 and ML18345A031, respectively), the NRC staff used the National Environmental Policy Act process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, as outlined in Title 36 of the *Code of Federal Regulations* (CFR) 800.8(c). ADAMS is accessible on the internet at <https://www.nrc.gov/reading-rm/adams.html>.

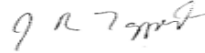
As discussed in Chapter 4 of the FEIS, the NRC staff determined that the construction and operation of the proposed facility would not affect historical and cultural resources at or near the site because no known historical and cultural resources are present within the area. In support of this determination, the NRC staff reviewed available archaeological literature, conducted a search and evaluation of archaeological records and collections maintained by the Texas and the New Mexico State Historic Preservation Offices (SHPOs), and reviewed reports of archaeological surveys conducted on the site. Documentation of tribal consultation is presented in Appendix A of the FEIS. On March 1, 2021, the Texas SHPO concurred on the NRC staff determination, pursuant to Section 106 of the National Historic Preservation Act, of no effect on historic properties (see ADAMS Accession No. ML21074A419).

G. Aguilar

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The FEIS can be accessed using the following internet link: <https://www.nrc.gov/docs/ML2120/ML21209A955.pdf>. However, if you would like a paper copy of the FEIS, please contact Mr. James Park of my staff. Mr. Park can be reached by phone at 301-415-6954, or via email at James.Park@nrc.gov.

Sincerely,



Signed by Tappert, John
on 07/29/21

John R. Tappert, Director
Division of Rulemaking, Environmental,
and Financial Support,
Office of Nuclear Material Safety
and Safeguards.

Docket No. 72-1050