



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

October 28, 2022

Gabe Aguilar, President
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

SUBJECT: NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENT 1 TO FOR HOLTEC INTERNATIONAL'S PROPOSED CONSOLIDATED INTERIM STORAGE FACILITY LOCATED IN LEA COUNTY, NEW MEXICO (DOCKET NUMBER: 72-1051)

Dear President Aguilar:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed a supplement to the final Environmental Impact Statement (FEIS) (NUREG-2237) for the construction and operation of Holtec International's (Holtec) proposed consolidated interim storage facility (CISF) for spent nuclear fuel in Lea County, New Mexico. The NRC staff will publish a *Federal Register* (FR) Notice of Availability (NOA) to notify the public that the FEIS Supplement 1 is publicly available from the NRC's Agencywide Documents Access and Management System ML22299A238. In addition, the NRC staff plans to make printed copies of the FEIS Supplement 1 available to the public at several public libraries in the vicinity of the proposed CISF site.

Two comment letters that were submitted to the NRC during the comment period on the draft EIS were inadvertently not included in appendix D to the FEIS. The comment letters were discovered after the publication of the FEIS in July 2022. Supplement 1 to the FEIS considers and responds to these two comments letters and includes the NRC's evaluation of each of these comment letters that were not included in the FEIS. While the comments do not provide new and significant information regarding the project or its environmental impacts, the NRC staff determined that in view of the circumstances described above, and in accordance with title 10 of the *Code of Federal Regulations* (10 CFR) section 51.92(c), preparation of a Supplement to the FEIS will further the purposes of the National Environmental Policy Act of 1969, as amended (NEPA). Supplement 1 to NUREG-2237 will be made public on October 27, 2022.

As stated in our invitation letter to participate in consultation dated April 2, 2018 (ML17339A636), the NRC staff used the NEPA process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, as outlined in 36 CFR section 800.8(c). ADAMS is accessible on the internet at <https://www.nrc.gov/reading-rm/adams.html>.

After the NRC files the FEIS Supplement 1 with the U.S. Environmental Protection Agency (EPA), the EPA will publish a separate NOA of the FEIS Supplement 1 in the FR. In accordance with 10 CFR section 51.100(a)(1)(ii), the NRC must wait 30 days after publication of the EPA's NOA before it can make a licensing decision. The NRC expects to make a licensing decision in early 2023.

G. Aguilar

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Should you have any questions concerning the FEIS Supplement 1, please contact Jill Caverly of my staff. Jill can be reached via phone at 301-415-7674 or via email at Jill.Caverly@nrc.gov.

Sincerely,



Signed by Moses, John
on 10/28/22

John M. Moses, Deputy Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1051

cc: Holly Houghton, THPO

Letter to Tribes re: Holtec CISF Final EIS Supplement 1 DATE October 28, 2022

DISTRIBUTION:

ADAMS Accession No.: Ltr ML22299A163

OFFICE	NMSS/REFS			
NAME	JMoses	<i>JM</i>		
DATE	Oct 28, 2022			

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