



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

May 7, 2019

Mr. Arthur Blazer, President
Mescalero Apache Tribe
P.O. Box 227
108 Central Avenue
Mescalero, NM 88340

SUBJECT: RE-INVITATION FOR FORMAL SECTION 106 CONSULTATION PURSUANT TO THE NATIONAL HISTORIC PRESERVATION ACT REGARDING INTERIM STORAGE PARTNERS LLC'S PROPOSED CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT NUCLEAR FUEL, ANDREWS COUNTY, TEXAS (DOCKET NUMBER: 72-1050)

Dear President Blazer:

The U.S. Nuclear Regulatory Commission (NRC) received a license application from Waste Control Specialists LLC (WCS), on April 28, 2016, to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel, in Andrews County, Texas. On January 26, 2017, NRC found the WCS application acceptable for detailed technical review. On April 21, 2017, WCS requested a temporary suspension of NRC's review of the license application. On June 8, and July 19, 2018, Interim Storage Partners LLC [ISP] (a joint partnership between WCS and Orano USA) requested that NRC resume its review, and provided a revised license application. On August 21, 2018, the NRC staff determined that the revised application contained sufficient information for the NRC to resume its review. Maps showing the proposed project location are provided (Enclosure 1).

The NRC staff is preparing an Environmental Impact Statement (EIS) to document NRC's independent evaluation of the potential effects on the human environment from the proposed action. The EIS will be prepared in accordance with the regulatory provisions in Title 10 of the *Code of Federal Regulations* Part 51, which implement the requirements of the National Environmental Policy Act of 1969, as amended (NEPA).

In accordance with 36 CFR Part 800.8 (Coordination with the National Environmental Policy Act), the NRC staff is using 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.

By letter dated March 24, 2017, the NRC staff invited the Mescalero Apache Tribe to participate as a consulting party under Section 106 of the NHPA and to assist in the identification and evaluation of historic properties that may be affected by the proposed action and in the development of proposals to address adverse effects that may be identified during the evaluation process. Through this current letter, the NRC staff renews its invitation to your Tribe to participate as a consulting party, given the recent resumption of the NRC's review. The NRC staff requests that your Tribe indicate whether it intends participate as a consulting party by completing the enclosed form (Enclosure 2). The NRC staff respectfully requests that the form

be returned soon, preferably within 30 days of your receipt of this letter, to further early engagement on historic and cultural resources as a benefit to the NHPA Section 106 consultation process.

You may also contact the NRC staff 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 Mescalero Apache Tribe avoid including any information in its submission that tribal officials do not want to be publicly disclosed (e.g., personal email addresses).

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

The NRC appreciates the opportunity to consult with you regarding this proposed license application. For the purpose 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.

If you have any questions or need any additional information regarding the proposed license application or the EIS process, please contact Mr. James Park by telephone at 301-415-6954, or via e-mail at: James.Park@nrc.gov.

Sincerely,

/RA For/

Michael F. King, Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1050

Enclosures:

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

A. Blazer

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DATED: May 7, 2019

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