



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

August 29, 2019

Mr. Michael Komalty, Chairman
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

**SUBJECT: TRANSMITTAL OF INFORMATION TO CONSULTING PARTIES FOR
SECTION 106 OF 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 Chairman Komalty:

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. By letter dated April 2, 2018, the NRC initiated a National Historic Preservation Act (NHPA) Section 106 consultation concerning Holtec's proposed project. You or your representative indicated that your tribe would like to participate as a consulting party under Section 106 of the NHPA. Accordingly, the NRC is transmitting information in this letter that may be useful to you as a consulting party for the Holtec CISF project.

In response to your interest, the NRC staff is enclosing the Cultural Resources and Communication and Survey Results report (Enclosure 1) for your information and review. This report was submitted to the NRC as Appendix C to the Environmental Report of the application.

The NRC staff has developed and delineated the area of potential effect (APE) as defined in 36 CFR 800.15(d). The APEs are geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The NRC staff has initially defined the APE for both direct and indirect effects.

The direct APE is proposed as the area in which potential ground disturbing activities may occur and would comprise an area of approximately 498 acres. Enclosure 2 is a map that shows the NRC delineated direct APE. The direct APE includes the actual footprint of the secure fenced area that will contain the storage systems, pad, and associated structures, including security and administration buildings, concrete batch plant, cask transfer building, storage building, rail switch yard, and haul paths. The fenced area totals 288.56 acres. The APE for direct effects also includes a proposed access road east of the CISF, which is 200 feet wide and 1.6 miles long, covering a total of 38.59 acres. Finally, the APE for direct effects includes a proposed railspur connecting the CISF with existing lines approximately 4.5 miles to the west. This railroad spur area covers a corridor 200 feet wide and 7.07 miles long, with a total area of 170.78 acres. The total combined APE for direct effects is 497.93 acres.

In addition to the direct APE, the NRC staff proposes defining the indirect APE (Enclosure 2), in which visual, audible and/or atmospheric effects may occur, by the following method. Initially, the NRC staff will conservatively identify any historic properties within a one-mile radius of the direct APE by searching the New Mexico State Historic Preservation Office's database and any other sources that may provide similar information. The NRC will perform further evaluations of historic properties meeting the National Register evaluation criteria in 36 CFR 60.4(a), (b) or (c). The visual horizon in the direction of the historic property will be delineated to identify the extent of the indirect APE and determine if any of the NHPA criteria are met. At that point, the staff will finalize its initial determination of the indirect APE based on the data search and the evaluation of the visual horizon.

Both enclosures to this letter, the Cultural Resources Communications and Survey Results report prepared by Statistical Research Inc. and submitted by Holtec as part of the license application (Enclosure 1) and the map of the direct APE (Enclosure 2), contain sensitive information that is non-public in accordance with the NHPA Section 304. Therefore, the enclosed information should be protected from public disclosure.

The NRC staff invites you to submit comments or questions pertaining to the Cultural Resources Communication and Survey Results report, the delineation of the direct APE, or the methodology to develop an indirect APE, within 30 days of receipt of this letter.

For additional information regarding the proposed action, Holtec's license application is publicly available from the NRC's Agency Wide Documents Access and Management System (ADAMS). You may access publicly available documents online in the NRC library at: <http://www.nrc.gov/reading-rm/adams.html> and searching for the Docket Number 07201051 or at the Holtec CISF webpage at: <https://www.nrc.gov/waste/spent-fuel-storage/cis/holtec-international.html>.

Please contact Ms. Jill Caverly of my staff if you have any questions or comments on the information provided to you in this letter. Ms. Caverly can be reached by telephone at 301-415-7674, or by email at Jill.Caverly@nrc.gov.

Sincerely,

/RA/

Kathryn Brock, Acting Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-1051

Enclosures:

1. Cultural Resources Communications
and Survey Results report
2. Direct and Indirect Area
of Potential Effects

cc:

K. Lewis, Acting THPO

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DATED: August 29, 2019

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