



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

January 26, 2021

Mr. William Nelson, Sr., Chairman  
Comanche Nation  
P.O. Box 908  
Lawton, OK 73502

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT SECTION 106  
CONSULTATION – DETERMINATION OF EFFECTS REGARDING INTERIM  
STORAGE PARTNERS LLC'S PROPOSED CONSOLIDATED INTERIM  
STORAGE FACILITY FOR SPENT NUCLEAR FUEL, IN ANDREWS COUNTY,  
TEXAS (DOCKET NUMBER: 72-1050)

Dear Chairman Nelson:

The U.S. Nuclear Regulatory Commission (NRC) received a revised license application from Interim Storage Partners LLC (ISP), on June 8, and July 19, 2018 (Agencywide Documents Access and Management System [ADAMS] Accession Package No. ML18221A397), to construct and operate a consolidated interim storage facility (CISF) for spent nuclear fuel, in Andrews County, Texas (the undertaking). In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.8, "Coordination with the National Environmental Policy Act" (NEPA), 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 NRC staff published the draft environmental impact statement (EIS) (ADAMS Accession No. ML20122A220) for the proposed CISF on May 8, 2020.

The purpose of this letter is to provide the NRC staff's determination of effects for the undertaking (i.e., the construction and operation of the proposed CISF). The details of this determination are documented in the enclosed letter from the NRC staff to Mr. Mark Wolfe, the State Historic Preservation Officer for the State of Texas. In sum, based on review of the 2015 and 2019 cultural resource survey reports, searches of Texas and New Mexico archaeological databases, and the information provided by the seven Federally-recognized tribes identified as having past religious or cultural ties to the project area, the NRC staff considers that there is a low potential for intact archaeological deposits within the area to be disturbed during excavation. Therefore, consistent with 36 CFR Section 800.4(d)(1), the NRC staff has determined that no historic properties are present and, therefore, no historic properties would be affected by the undertaking.

Previously, by letter dated March 24, 2017 (ADAMS Accession No. ML17067A389), the NRC staff notified you of the initial license application and invited the Comanche Nation to be a consulting party under Section 106 of the NHPA. By the same letter, the NRC staff also invited the Comanche Nation's to assist in identifying and evaluating historic properties that may be affected by the proposed action and in developing proposals to address adverse effects that may be identified during the evaluation process.

By letter dated June 29, 2017 (ADAMS Accession No. ML17192A330), Mr. Theodore Villicana, Technician from the Comanche Nation Historic Preservation Office, stated that the above reference project had been reviewed by his office staff to identify areas that may potentially contain prehistoric or historic archeological materials. Mr. Villicana stated that the location of the project had been cross referenced with the Comanche Nation site files and indicated that "No Properties" that may potentially contain prehistoric or historic archeological materials significant to the Comanche Nation had been identified.

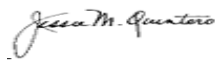
By letter dated May 7, 2019 (ADAMS Accession No. ML18345A072), the NRC staff renewed its invitation to the Comanche Nation to participate as a consulting party, given ISP's revised license application. In a response form dated October 7, 2019 (ADAMS Accession No. ML19310E719), and signed by Mr. Villicana, the Comanche Nation noted that it had no comments or concerns at that time but requested to be updated on the project.

The draft EIS and additional information on the ISP license application are available on the NRC's project webpage at <https://www.nrc.gov/waste/spent-fuel-storage/cis/waste-control-specialist.html>. Documents are also publicly available from the NRC's ADAMS, which can be accessed online at: <http://www.nrc.gov/reading-rm/adams.html>.

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this communication will be available electronically for public inspection in the NRC Public Document Room, or from the NRC's ADAMS.

If you have any questions or need any additional information, please contact the Environmental Project Manager, Mr. James Park, by telephone at 301-415-6954, or via email at [James.Park@nrc.gov](mailto:James.Park@nrc.gov).

Sincerely,



Signed by Quintero, Jessie  
on 01/26/21

Jessie M. Quintero, Chief  
Environmental Review Materials Branch  
Division of Rulemaking, Environmental Review  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-1050

Enclosure: As stated

cc: Martina Callahan, THPO

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STORAGE FACILITY FOR SPENT NUCLEAR FUEL, IN ANDREWS COUNTY,  
TEXAS (DOCKET NUMBER: 72-1050)

**DATED:** January 26, 2021

Distribution:  
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**ADAMS Package Accession Number: ML20308A605**

**\*via email**

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Letter to W.Nelson, Sr., Comanche Nation re NHPA Section 106 Determination of Effects for Proposed ISP  
CISF DATE January 26, 2021

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**ADAMS Accession No.: Ltr ML20308A605**

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