



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

November 13, 2018

Mr. Virgil A. Siow, Governor
Pueblo of Laguna
P.O. Box 194
Laguna Pueblo, NM 87026

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF NO EFFECTS REGARDING THE SECTION 106 REVIEW OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE LICENSE AMENDMENT TO ADD ZEOLITE WATER TREATMENT SYSTEMS TO HOMESTAKE MINING COMPANY OF CALIFORNIA IN GRANTS, NEW MEXICO (DOCKET NUMBER: 040-08903)

Dear Governor Siow:

By letter, dated December 11, 2017, the U.S. Nuclear Regulatory Commission (NRC) received a license amendment request from the Homestake Mining Company of California (HMC) to add zeolite water treatment systems for its reclamation activities (Agencywide Documents Access and Management System [ADAMS] Accession Number ML17361A006). HMC operated a uranium mill north of the City of Grants in Cibola County, New Mexico, between 1958 and 1990. Since 1990, the site has been in reclamation. Site reclamation includes facility decommissioning, tailings impoundment area restoration, groundwater restoration and monitoring, and post-closure care and monitoring. The site is licensed under Special Nuclear Materials (SNM) License Number 1471 (SNM-1471).

The NRC staff is preparing an environmental assessment (EA) for the proposed action in accordance with the NRC's regulations in Title 10 of the *Code of Federal Regulations* (CFR), Part 51, "Environmental Protection Regulations for Domestic Licensing and Regulatory Functions," which implement the National Environmental Policy Act of 1969, as amended (NEPA). In addition, consistent with 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC staff is coordinating compliance with the Section 106 process of the National Historic Preservation Act of 1966, as amended (NHPA), with its NEPA review process. The EA will include an analysis of potential impacts to historic and cultural resources as well as other resource areas, for instance land use, endangered species, socioeconomics, and environmental justice.

In their license amendment application, HMC is proposing to amend its license to add both a 300 gallon per minute (gpm) and a 1200 gpm zeolite water treatment system to the existing groundwater restoration program (GRP). Enclosure 1 provides a site location map and Enclosure 2 is a photo of the new zeolite water treatment systems' locations, labeled as the "300 gpm System" and "1200 gpm System." These systems consist of a sequence of lined ponds containing zeolite crystals. Uranium contaminated groundwater flows through these crystals, which absorb the dissolved uranium through an ion exchange process. The two zeolite water treatment systems are already physically in place and in use under a pilot testing program. This pilot program was developed to evaluate the zeolite system for treating groundwater and to accelerate groundwater restoration. HMC wants to add the zeolite

systems to its GRP because use of the zeolite systems increases HMC's capacity to treat contaminated groundwater, reduces treatment costs, and accelerates the groundwater restoration schedule.

In their license amendment application, HMC indicated they do not anticipate new construction or ground breaking activities at the milling facility because the zeolite treatment systems have already been fully installed. Therefore, no large equipment is going to be used and no additional effluents or waste will be released if the license amendment is approved. Additionally, the zeolite systems are located in a highly disturbed area on a former mill tailing pond where there are no known historic or cultural properties. Further, on October 16, 2018, the New Mexico's State Historic Preservation Office concurred with the NRC's preliminary determination that the proposed action does not have the potential to effect historic properties (ADAMS Accession Number ML18291B215).

Therefore, the NRC staff has determined that the proposed activities described in HMC's license amendment do not have the potential to cause effects on historic properties, assuming such historic properties are present. In accordance with the definition in 36 CFR 800.3(a)(1), of *no potential to cause effects*, "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under Section 106 or this part", the NRC has preliminarily concluded that it has no further obligations under Section 106 of the NHPA. Although the NRC has no further obligations under Section 106 of the NHPA, we respectfully request your input or concurrence with this determination.

Please submit comments and information you may have regarding the NRC staff's preliminary determination of no effects on historic properties or other environmental review resource areas within 30 days of receipt of this letter to the U.S. Nuclear Regulatory Commission, ATTN: Ms. Cinthya I. Román, Chief, 11555 Rockville Pike, Mail Stop T-4B16, Rockville, Maryland 20852. If you have any questions, please contact the NRC Project Manager, Ms. Jean Trefethen of my staff by telephone at 301-415-0867 or via e-mail at Jean.Trefethen@nrc.gov

In accordance with 10 CFR Section 2.390 of the NRC's "Agency Rules and Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Brian W. Smith, Acting Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-8903
License No. SNM-1471

Enclosure 1: Site Map
Enclosure 2: Photo of Zeolite System

cc:
Mr. Adam Ringia, THPO

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DATED: November 13, 2018

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ADAMS Package Accession Number: ML18233A143					*via e-mail
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