



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

November 27, 2018

Mark Altaha, THPO
White Mountain Apache Tribe
P.O. Box 700
Whiteriver, AZ 85941

SUBJECT: DETERMINATION UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED LICENSE AMENDMENT TO RELEASE THE RIO ALGOM SECTION 4 PONDS IN GRANTS, NEW MEXICO (DOCKET NUMBER: 40-8905)

Dear Mr. Altaha:

By letter dated November 8, 2017, the U.S. Nuclear Regulatory Commission (NRC) received a request from Rio Algom Mining, LLC (RAML) to amend Source Materials License SUA-1473 to release the Section 4 Ponds of the Ambrosia Lake Mill Facility for unrestricted use. The application is available through the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML17340A482 or at: <https://www.nrc.gov/docs/ML1821/ML17340A482.pdf>. If this amendment request is approved, the Section 4 Ponds will be removed from RAML's license and made available for unrestricted use. The Ambrosia Lake site is located in the Ambrosia Lake mining district of New Mexico, 25 miles north of Grants, New Mexico (site layout enclosed).

The NRC staff is preparing an environmental assessment (EA) for the proposed action in accordance with the NRC's regulations in Title 10 *Code of Federal Regulations* (10 CFR) Part 51, the NRC regulations that 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.

RAML has stated in the Environmental Report that accompanied the license amendment request that "the proposed action is a change in legal status involving no change in site activity and will not change the impact to cultural or historical resources within the former Section 4 Ponds area." RAML has also indicated that releasing the Section 4 Ponds area would allow the area to be considered for future beneficial use by RAML, other industrial users, ranchers, or other entities. Also, we have been in communication with the New Mexico State Historic Preservation Office and were informed that, based on a survey conducted by a contractor (SWCA Environmental) in 2016 (unrelated to this licensing action), no cultural or historical sites were located in the area where the ponds are located (ADAMS Accession Number ML18324A523).

The regulations in 36 CFR 800.3(a)(1) state that “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.” Therefore, based on the aforementioned information, the NRC has preliminarily concluded that it has no further obligations under Section 106 of the NHPA.

NRC respectfully requests concurrence with this preliminary determination. Please submit your concurrence and any comments or 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 the 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. Monika Coflin, by telephone at 301-415-5932 or via e-mail at Monika.Coflin@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>.

Thank you for your assistance.

Sincerely,

/RA/

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

Docket No. 40-8905
License No. SUA-1473

Enclosure:
Rio Algom Site Layout

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S DETERMINATION OF NO EFFECTS REGARDING THE SECTION 106 REVIEW OF THE NATIONAL HISTORIC PRESERVATION ACT FOR THE PROPOSED LICENSE AMENDMENT TO RELEASE THE RIO ALGOM SECTION 4 PONDS IN GRANTS, NEW MEXICO (DOCKET NUMBER: 40-8905)

DATED: November 27, 2018

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JWebb, NMSS

ADAMS Package Accession Number: ML18324A617

*via email

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