



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

November 27, 2018

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HISTORIC PRESERVATION DIVISION

109384

Mr. Jeff Pappas
State Historic Preservation Officer
and Director
Department of Cultural Affairs
Bataan Memorial Building
407 Galisteo St, Suite 2136
Santa Fe, NM 87501

SUBJECT: REQUEST FOR CONCURRENCE ON THE DETERMINATION OF NO EFFECTS ON
HISTORIC PROPERTIES FOR THE REVIEW AND APPROVAL OF THE RIO ALGOM
MINING LLC, LICENSE AMENDMENT REQUEST
(DOCKET NUMBER: 40-8905)

Dear Mr. Pappas:

The U.S. Nuclear Regulatory Commission (NRC) received, by letter dated November 8, 2017, an application from Rio Algom Mining LLC (RAML) to amend Source Materials License SUA-1473 and release the Section 4 Ponds of the Ambrosia Lake Mill Facility for unrestricted use (Agencywide Documents Access and Management System (ADAMS) Accession Number ML17340A482). If this amendment is approved, the Section 4 Ponds will be removed from RAML's license for unrestricted use. The Ambrosia Lake site is in the Ambrosia Lake mining district of New Mexico, 25 miles north of Grants, New Mexico (site layout enclosed).

The Section 4 Ponds were constructed starting in 1979 for the purpose of evaporating liquid effluents from the RAML Facility, including ion-exchange plant waste water, process decant solutions, groundwater collected as part of the alluvial corrective action program, and other mill process solutions. The ponds were operational until April 2004 and pond reclamation began in late 2004.

As established in Title 10 *Code of Federal Regulations* (10 CFR) Part 51, the NRC regulation that implements the National Environmental Policy Act of 1969, as amended (NEPA), the NRC staff is preparing an environmental assessment (EA) for the proposed action. The purpose of the EA is to assess potential environmental impacts that may significantly affect the human environment. In accordance with 36 CFR § 800.8, "Coordination with the National Environmental Policy Act," the NRC staff is coordinating compliance of the Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, with its NEPA review process. The EA will include an analysis of potential impacts to historic and cultural resources.

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.

Based on the above information, the NRC staff has determined that the proposed activities described in RAML's license amendment do not have the potential to cause effects on historic properties, assuming such historic properties are present. 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, the NRC has preliminarily concluded that it has no further obligations under Section 106 of the NHPA.

NRC respectfully request 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 Web site at <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,



Cinthya I. Román, Chief
Environmental Review Branch
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:
Site Map

Concur with recommendations as proposed.


for NM State Historic Preservation Officer