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STATE OF UTAH
Scott M. Matheson, Governor
DEPARTMENT OF
DEVELOPMENT SERVICES
Division of State History

Melvin T. Smith, Director
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September 12, 1979

Mr. Ross A. Scarano
Section Leader
Uranium Recovery Licensing Bureau
Division of Waste Management
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Memorandum of Agreement of August 20, 1979, Source Material License to Energy Fuels Nuclear, Inc.

Dear Mr. Scarano:

In our letter of May 3, 1979, we indicated that we had some reservations concerning mitigation. Since the memorandum of agreement has been signed without State Historic Preservation Officer signature, we feel it is necessary again to relay our concerns.

1. Under I(a) it states that "sites that will ultimately be located within one hundred feet of the perimeter of the reclaimed tailings impoundment area are considered unavoidable and shall be recovered through archeological excavation." This may be an unnecessary measure, since excavation will disturb sites which may not be impacted. We would recommend avoidance before recovery.
2. I(b) This paragraph is somewhat unclear in intent. It seems to indicate that all archeological sites (on Table A) that are of undetermined eligibility would be tested. This would be an unnecessary adverse effect. Sites should only be tested if they are to be impacted under site specific plans.
3. I(i) Recovery of all sites in the stockpile area is not necessary since selected sites might be avoided, thus preserving them for future recovery. Additionally, the recovery to be completed by December 31, 1982, may set an unreasonable barrier on when recovery should take place.

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STATE HISTORY BOARD: Dr. Milton C. Abrams, Chairman - Theron H. Luke • Dr. Ted J. Warner • Elizabeth Montague • Howard C. Price, Jr.
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We feel that the inclusion of these items in the memorandum of agreement adds unnecessary cost to Energy Fuels Nuclear, developers of the site. We would like to discuss this matter with you at your convenience.

Sincerely,



Melvin T. Smith
Director and
State Historic Preservation Officer

jr

cc: Energy Fuels Nuclear, Inc.; Suite 900; Three Park Central;
1515 Arapaho Drive; Denver, Colorado 80202

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