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TO GILLEN, TRAGER, JTL

PDR 40-8681



energy fuels nuclear, inc.

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April 7, 1980

Mr. Dan Gillen
U.S. Nuclear Regulatory Commission
7915 Eastern Avenue
Silver Spring, MD 20910

Re: SUA-1358

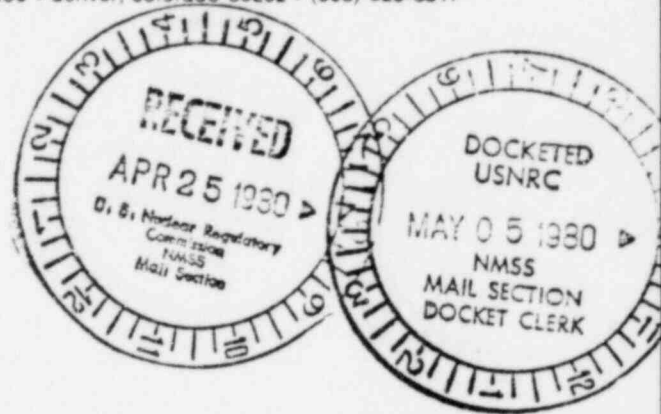
Dear Mr. Gillen:

Per your instructions by telephone on April 3, Energy Fuels Nuclear, Inc. hereby requests a meeting with appropriate representatives of the Nuclear Regulatory Commission to discuss modifications in the archeological data recovery program associated with the White Mesa Uranium Mill Project. The changes we will request should not result in any loss of information, nor will they lessen the protection of any sites which are not directly affected by the project.

We wish to emphasize that Energy Fuels is not attempting to evade any of its responsibilities under the Memorandum of Agreement, nor do we wish to negate our overall commitment to protect and/or recover information from the archeological resources of the White Mesa area. However, we do believe that the intent of 36 CFR 800 can be carried out with a modified recovery program.

Several points come to focus in consideration of this matter. First, the uranium mill project site represents a relatively small part of the overall White Mesa area, and an even smaller portion of the southeast Utah region. This perspective raises questions about the uniqueness of the project area itself. From a practical point of view (and we think in the spirit of the Memorandum of Agreement), the objective should be to obtain information about an earlier culture, and not to totally recover artifacts and objects, per se.

Energy Fuels has financed the total excavation of 15 sites. Probably ten additional sites remain to be excavated under the present research plan. With the data base we now have from the 15 sites which have been excavated, it would not appear necessary to excavate all of the remaining sites. Rather, those sites which are relatively large, or appear to contain significant features based on surface evidence or testing, could be studied for the information they contain. Some sites may not need to be excavated at all, and those that are studied may not need to be excavated 100%. Also in this con-



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nection, we do not understand why a site is considered "significant" and worthy of excavation simply because it contains a structure, as has been the case up to now.

The second item we wish to discuss pertains to the subject of testing of "undetermined" sites which will not be negatively impacted by the project. We are told by the Advisory Council and several archeological consultants that the first priority in protection of archeological resources is avoidance. Testing of sites disturbs them and advertises their presence, and would not appear prudent unless the site is to be affected by project development. Dozens of sites will be disturbed if Energy Fuels is required to test "undetermined" sites as required by Item 1(b) of the Memorandum of Agreement and License Condition No. 41. In addition, if the testing were required, it is not understood why it should be completed by January 1, 1981, if in fact none of the sites in question will ever be impacted by project development.

The third and final item we wish to discuss with the NRC pertains to the requirement to complete all archeological data recovery by December 31, 1982 (Memorandum of Agreement Item 1 (I) and License Condition No. 47). As required by the Memorandum and the License, the eligible sites in the evaporation cell and the first tailings cell have been recovered, with the exception of one site in the evaporation cell which will be recovered early this summer. From this point, it would seem prudent and practical to recover archeological sites in the construction area as the tailings area development proceeds toward the south. Some of this area, as you are aware, will not be disturbed for 10-12 years. Energy Fuels would prefer that the requirement be to protect eligible sites until such times as they will be disturbed by construction, and prior to construction recover information from these sites through excavation if necessary. There does not appear to be any practical reason why all eligible sites must be subjected to data recovery by the end of 1982.

We have discussed these matters with the Advisory Council, and they are willing to discuss them with the NRC. We also have conferred with various archeological consultants, and they are in agreement with the positions we have taken. In addition, we have an indication from the SHPO's office that changes in the archeological requirements might be considered.

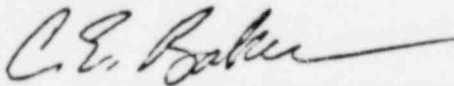
We request a meeting with the NRC in the Silver Spring Office on the morning of May 30 to discuss these matters. We suggest that representatives from the Advisory Council, our archeological consultant/contractor, a representative from the SHPO's office, and Energy Fuels personnel attend the meeting.



Obviously, with so many persons attending the meeting, scheduling will be difficult. Therefore, we request early confirmation of the May 30 date to have benefit of as much time as possible to get everyone scheduled. Mr. Britt Storey of the Advisory Council has a tight schedule, and has indicated the week of May 26 as one of the few times he could attend a meeting.

Thank you very much for your attention to our concerns. We look forward to hearing from you in the near future.

Sincerely,



C. E. Baker, Environmental
Licensing & Safety Director

CEB/jf

xc: MDV, GEG, DKS, GWG, BStorey, JHowry, JDyekman

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