

PDR

40-8681

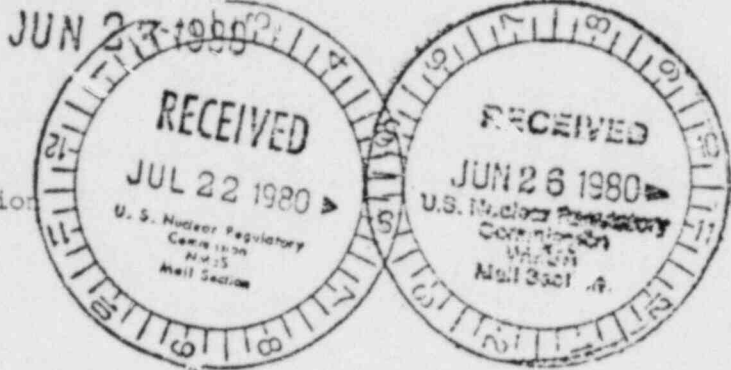


United States Department of the Interior  
HERITAGE CONSERVATION AND RECREATION SERVICE  
INTERAGENCY ARCHEOLOGICAL SERVICES--DENVER  
P.O. BOX 25387, DENVER FEDERAL CENTER  
DENVER, COLORADO 80225

IN REPLY REFER TO

1201-05 (W530)

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

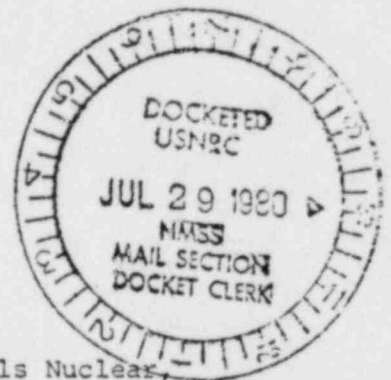


Dear Mr. Gillen:

This is confirmation of our telephone discussion of June 19, 1980 regarding the alleged problems relating to the archeological studies at the White Mesa Uranium Mill, Blanding, Utah.

On Wednesday, June 18, 1980, the following individuals met at the Edge of Cedars Museum, Blanding, Utah:

- 1) From Utah  
Wilson Martin - Deputy SHPO  
James Dykman - archeologist on SHPO staff  
David Madsen - State Archeologist
- 2) From Energy Fuels Nuclear, Inc.  
C. Ed Baker  
George Glasier
- 3) Archeological Contractor (under contract to Energy Fuels Nuclear, Inc.)  
Larry Agenbroad, Principal Investigator, Plano Archaeological Consultants  
E. Steve Cassells, President, Plano Archaeological Consultants
- 4) Jack R Rudy, Interagency Archeological Services - Denver, for the Nuclear Regulatory Commission, Washington, D.C.



The primary concern of the Utah representatives was the effect changing of contractors by Energy Fuels Nuclear, Inc. would have on the continuity and completion of the archeological studies within the project area. In other words, was the Plano Archaeological Consultants (PAC) following the "Research Design" developed by the State Archeologists/SHPO office and accepted by the Nuclear Regulatory Commission (NRC) as required by the Memorandum of Agreement (MOA) and signed by NRC, EFN, and concurred in by the SHPO?

16853

8008080 425

C

FEE EXEMPT

Dr. Agenbroad and Mr. Cassella described, in some detail, their approach to excavation of the sites and data collection methods. After considerable discussion and questioning by other persons present to clarify points and details, particularly the Utah members, it became apparent that excavation and data recovery of the sites are very much in conformance with the previously developed research design. Additional funding from Energy Fuels to complete analysis of some of the ancillary studies will be necessary. Energy Fuels did not indicate this would present any problem. These discussions were followed with a field inspection of the two sites being investigated by Dr. Agenbroad and Steve Cassells.

It is my opinion, following these discussions and site inspection, that Dr. Agenbroad and Mr. Cassells of PAC are discharging the archeological studies in a professional and acceptable manner. They are accomplishing the studies in general conformance with the previously prepared research design, although funds for the ancillary studies will be needed. I find no reason to question their professional competence to do the work or the thoroughness in which it is being executed.

During the course of the meeting there was considerable discussion regarding the role of the SHPO in development of the research design, or scope of a data recovery program under the present terms and conditions of the MOA with the Advisory Council. Energy Fuels did not feel that the SHPO should or did have such a significant role in the archeological studies. Both Mr. Martin of the SHPO's office and myself pointed out that paragraph k. 3. of the MOA clearly provided for this through acceptance by the Commission. It was generally agreed that the present research design needs to be modified to be more realistic in what data collection is sufficient for the project. Modification should not be made, however, until the present contract, together with all the required ancillary studies, is completed.

At the time a new research design is developed (which should more appropriately be called a "data recovery program") I recommend there be a modification made in the MOA with the Advisory Council. All at the meeting agreed that testing of all of the sites outside of the actual construction area is not in the best interest of preserving the archeological data. Testing itself is destructive and will only open the sites to possible further vandalism and possible erosion. It is my recommendation that only those sites that will be directly impacted by present and future construction, including all sites within 100 feet of the construction area, be excavated for data recovery. All other sites within the property of Energy Fuels should be left alone and be protected by appropriate type of fencing. The fencing should be Energy Fuel's property and not individual site's.

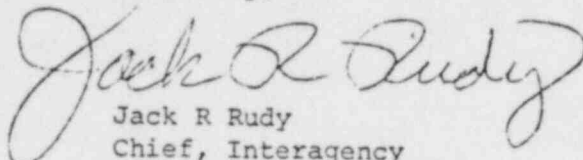
If it is not possible to delete the requirement for testing of these sites, I strongly recommend that a new completion date be established that is more realistic to the magnitude to the work to be done.

One other topic discussed in the afternoon with Energy Fuels concerned the timeframe for completion of the mitigation excavations in the proposed future construction areas. It was proposed that the sites in cells 4 and 5,

and, any within 100 feet adjacent to them, not be disturbed until just prior to the actual construction of the cells. It was finally concluded that there were no real advantages in delaying mitigation of the effected sites. Any delay could seriously affect the continuity of research approach and comparability of the data recovered from the sites with that of the sites previously investigated. I do recommend that the data recovery program continue as originally planned. However, I am in agreement with the SHPO's office that a new research design, or data recovery program, be developed for the remaining sites as mentioned above.

In summary, it should be noted that this face-to-face meeting of the various parties involved did resolve the seemingly apparent but not so real problems. Everyone agreed that there had been a lack of communication between the various individuals involved, and that no one individual was wholly at fault.

Sincerely,



Jack R Rudy  
Chief, Interagency  
Archeological Services - Denver

cc: C. E. Baker/G. Glasier, Energy Fuel Nuclear, Inc.  
Wilson Martin, SHPO's Office, Utah  
David Madsen, State Archaeologist, Utah  
E. Stephen Cassells, Plano Archaeological Consultants

16853