

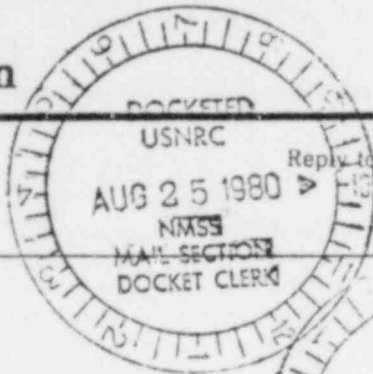
**Advisory  
Council On  
Historic  
Preservation**

*PDR*

40-8681

1522 K Street, NW  
Washington, DC 20005

Lake Plaza South, Suite 616  
44 Union Boulevard  
Lakewood, CO 80228



July 25, 1980

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



Dear Mr. Scarano:

On March 22, 1980, representatives of Energy Fuels Nuclear, Inc., visited me in Denver regarding their company's Source Material License on White Mesa, Blanding vicinity, Utah. As you probably recall the Chairman of the Council ratified a Memorandum of Agreement for that project on August 15, 1979. That Memorandum detailed the requirements which the Nuclear Regulatory Commission would impose on the licensee in order to avoid, minimize, and mitigate the adverse effects of this project on the White Mesa Archeological District. These representatives of Energy Fuel Nuclear appeared to be seeking a revision of the Memorandum in terms of amount of archeological effort required and the timing of the archeological effort. Subsequently they made a May appointment with Dr. Thomas F. King, my supervisor, in Washington, D.C., but subsequently cancelled that meeting.

We are now informed that Energy Fuels Nuclear has changed archeological contractors, drastically reduced the data recovery which is proposed at the sites, and reduced the number of sites at which data recovery is to be undertaken in 1980 from about 10 to 2. All of this brings into question whether or not the terms of the Memorandum, which NRC incorporated into its license to Energy Fuels Nuclear, are being carried out. In particular, our review of the Memorandum in conjunction with recently received copies of correspondence on this matter causes us to be concerned that: 1. Deadlines for testing and data recovery may not be met; 2. The data recovery underway may not be in accordance with Section 1(f) of the Memorandum which requires Nuclear Regulatory Commission review and approval of the data recovery program for each site; 3. The archeological contractor may not be acceptable to the Utah State Historic Preservation Officer (SHPO) and may not meet the minimum standards for a principal investigator as established by the Secretary of the Interior; and, 4. The archeological data recovery contracted for by Energy Fuels Nuclear may not be professionally sufficient for the affected cultural properties within the Archeological District.

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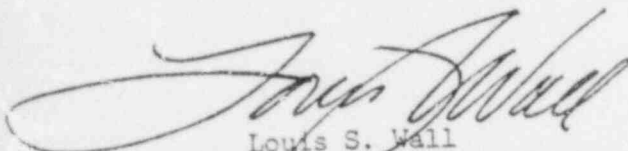
Mr. Ross A. Scarano  
White Mesa Archeological Resources  
July 25, 1980

We would appreciate your investigation of this situation in consultation with the Utah SHPO to determine whether it appears there are problems with the manner in which Energy Fuels Nuclear is implementing the conditions of its license. We would also appreciate receiving copies of the "data recovery program" under which work has previously been done and under which it is now being done.

From the discussions in March it appeared that the firm's development schedule may have been slowed, delaying the time when archeological properties will be affected. If the situation has changed since the Memorandum of Agreement was ratified, it may be appropriate to consider amending the Agreement to more accurately reflect the current situation.

Your continued cooperation in this matter will be appreciated.

Sincerely,



Louis S. Wall  
Chief, Western Division  
of Project Review