



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

DCS

JAN 14 1981

WMUR:DMG
Docket No. 40-8681



Energy Fuels Nuclear
ATTN: Mr. R. W. Adams
Chairman of the Board
Three Park Central, Suite 900
1515 Arapahoe
Denver, Colorado 80202

Gentlemen:

On June 18, 1980, representatives of the State of Utah Division of State History, and the NRC's representative from the Interagency Archeological Services met with you and your archeological contractor to resolve problems related to the archeological program at White Mesa. The NRC has since received letters from Melvin T. Smith, State Historic Preservation Officer (SHPO) and Jack R. Rudy, Chief, Interagency Archeological Services, Denver summarizing the meeting and presenting recommendations for further action.

Based on these recommendations, the NRC requires that you take the following steps to ensure the continuity and satisfactory completion of the White Mesa archeology studies:

1. Energy Fuels Nuclear (EFN) and their contractors shall complete all 1979-1980 excavations and ancillary work as detailed in the existing data recovery program (research design), submitted to the NRC by letter dated April 9, 1979. A report resulting from the collaboration of the two archeology contractors that have been involved shall be prepared and submitted to both the SHPO and NRC upon completion.
2. Following this action, EFN shall modify the present data recovery program in regards to the description of data collection requirements. It was generally agreed upon at the June 18, 1980 meeting that a more realistic data recovery program needs to be developed. The modified program shall be forwarded to the Utah State Historic Preservation Office (SHPO) and the Uranium Recovery Licensing Branch of the NRC for written approval prior to its implementation.

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JAN 14 1981

3. To ensure the continuity of research, EFN and their contractor shall proceed with the excavation and testing of required sites in future construction areas (cells 4 and 5) as originally scheduled.

The above requirements were discussed and agreed to by your Mr. Baker and our Mr. Gillen during a December 2, 1980 telephone conversation.

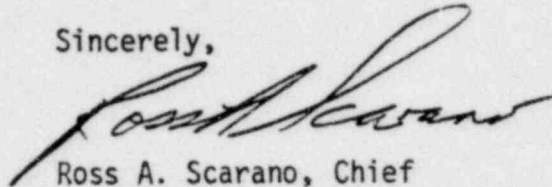
In addition, the NRC will propose an amendment of the Memorandum of Agreement (MOA) to the Advisory Council and will then amend Source Material License No. SUA-1358, accordingly. The proposed amendments will address the following matters:

1. As recommended by the Interagency Archeological Services (IAS) and the SHPO's office, and agreed upon by the Uranium Recovery Licensing Branch staff, only those sites designated as "Undetermined" in Table A that will be directly impacted by present and future construction, including all sites within 100 feet of the construction area, will require testing to determine if they warrant redesignation as "Eligible".
2. EFN's present contractor, Piano Archeological Consultants, has been found professionally acceptable by both the IAS and the SHPO's office. The MOA and license will be modified to additionally ensure the acceptability of each archeology consultant contracted with as well as their laboratory facilities.
3. Information on five historical sites in the project vicinity was submitted for determination of their eligibility. The Office of the Keeper of the National Register has informed the NRC that considerable additional information would be required to make these determinations. Review of available information has since indicated that none of these sites is on the White Mesa property or in an area affected by the present or proposed future operations. Based on this knowledge and subsequent to the SHPO's concurrence, the request for determination of eligibility of the historical sites is considered unnecessary at this time and will therefore be withdrawn.
4. By letter dated October 9, 1980, EFN submitted a report to the NRC detailing the proposed ore haul road layout. This information will be incorporated into the MOA and license following its review by the NRC and the SHPO's office.

JAN 14 1981

If you have any questions regarding the above matters, please contact Mr. Daniel Gillen of my staff at (301) 427-4088.

Sincerely,



Ross A. Scarano, Chief
Uranium Recovery Licensing Branch
Division of Waste Management

cc: Melvin T. Smith
Utah State Historic Preservation Officer