

40-8681/DMG/82/06/07/1

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JUN 28 1982

WMUR:DMG  
Docket No. 40-8681

MEMORANDUM FOR: Docket File No. 40-8681  
FROM: Daniel M. Gillen, Project Manager  
New Facilities Section  
Uranium Recovery Licensing Branch  
Division of Waste Management  
SUBJECT: AMENDMENT NO. 14 TO SOURCE MATERIAL LICENSE SUA-1358  
ENERGY FUELS NUCLEAR - WHITE MESA

Background

Since the issuance of the Energy Fuels Nuclear (EFN) Source Material License No. SUA-1358 in August 1979, EFN has submitted additional information as required by license conditions regarding the archeological program at the White Mesa site. In addition, modifications to the archeological program have been recommended based on the results of a June 18, 1980 meeting in Blanding, Utah, and on discussions involving EFN, the Utah State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation, the NRC, and the NRC's consultant, the Interagency Archeological Services (IAS). These developments in the archeological program have made it necessary to amend certain conditions of License No. SUA-1358.

Prior to this proposed amendment of Source Material License No. SUA-1358, it was first necessary to amend the Memorandum of Agreement (MOA) concerning the mitigation of adverse archeological effect at the White Mesa site, an agreement among the NRC, SHPO and Advisory Council. This process has been conducted by the following sequence of correspondence:

January 14, 1981 Letter from the NRC to SHPO proposing MOA amendment and requesting concurrence.

January 29, 1981 Letter from NRC to Advisory Council transmitting a copy of the letter to SHPO and informing them of our intentions to amend the MOA.

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- February 2, 1981 Letter to NRC from SHPO providing concurrence.
- June 4, 1981 Letter from NRC to Advisory Council transmitting SHPO's concurrence.
- July 13, 1981 Letter to NRC from Advisory Council with proposed modifications to our proposed amendment.
- August 18, 1981 Letter from NRC to SHPO requesting concurrence based on Advisory Council's modifications.
- September 8, 1981 Letter to NRC from SHPO providing concurrence.
- October 8, 1981 Letter from NRC to Advisory Council providing NRC and SHPO concurrence in the modifications and authorizing them to proceed with the amendment.
- December 21, 1981 Letter to NRC from Advisory Council transmitting amendment of MOA for NRC signature.
- February 3, 1982 Letter from NRC to SHPO passing on the signed amendment for SHPO's signature
- April 12, 1982 Letter to NRC from Advisory Council transmitting the amendment of the MOA as signed by all parties.

Additional background for each proposed revised license condition is presented in the following section.

Proposed Action

Recommendations by the SHPO's office and NRC's consultant from the Interagency Archeological Services, and concurrence by the Uranium Recovery Licensing Branch staff following a June 18, 1980 meeting in Blanding, Utah, has resulted in the amendment of Condition 1b of the MOA and the proposed revision of License Condition No. 41. The revised license condition would require that only those sites designated as "Undetermined" in Table A of the

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MOA that will be directly impacted by present and future construction, including those sites within 100 feet of the construction areas, would be tested to determine if they warrant redesignation as "Eligible". At the present time Condition No. 41 requires testing of all sites designated as "Undertermined" regardless of their location.

By letter to Melvin T. Smith, Utah State Historic Preservation Officer, dated April 13, 1981, EFN submitted a copy of a revised research design, as had been agreed upon during the June 18, 1980 meeting and requested in a January 14, 1981 letter from R. Scarano to EFN. By letter to me dated June 8, 1981, the SHPO stated that his staff had reviewed the revised research design and had found it to be acceptable. License Condition No. 45 would be revised to require adherence of the White Mesa archeological data recovery program to this approved research design.

The monitoring program requested in the existing License Condition No. 46 was submitted to the NRC by EFN letter dated June 27, 1979. Dr. Laurel Casjens of the SHPO's office developed the program and transmitted it to EFN by letter dated June 26, 1979. Also, the layout of haul roads to avoid archeological sites as requested in License Condition No. 48 was submitted to the NRC by EFN. A letter dated September 11, 1979, submitted the layout of construction haul roads together with written approval by Dr. Casjens of the SHPO's office. A letter dated October 9, 1980, submitted the layout of an ore haul road as surveyed by EFN's contractor, Plano Archeological Consultants. The layout was approved by the SHPO's office by letter dated February 2, 1981. License Conditions No. 46 and No. 48 would be amended to require the licensee's adherence to these specific programs.

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 subsequently 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 project property or in an area affected by the present or proposed future operations. Based on this knowledge and a review of pertinent regulations (36 CFR 63.1 and 36 CFR 800), the request for determination of eligibility of the historical sites is considered unnecessary at this time. At the June 18, 1980 meeting, EFN's contractor (Plano Archeological Consultants) was found to be professionally acceptable by the IAS and the SHPO's office. It was further concluded that the MOA and license should be modified to ensure the acceptability of all future EFN archeology consultants as well as their respective laboratory facilities. Therefore, condition 1k of the MOA has been changed to discuss contractor

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approval requirements rather than historical site eligibility requirements. License Condition No. 49 would be changed in the same manner.

Table A of the MOA has been modified to update the status of specific archeological sites. This table would likewise be revised in the license.

The staff has concluded that issuance of Amendment No. 14 to Source Material License No. SUA-1358 to modify requirements regarding the archeological program at the EFN White Mesa site, will not result in any incremental impacts above those previously assessed.

On the basis of the above review, issuance of a license amendment with the following revised conditions is recommended:

- 41. The licensee shall conduct such testing as is required to enable the Commission to determine if those sites designated as "Undetermined" in Table A and located within 100 feet of present or known future construction areas are of such significance to warrant their redesignation as "Eligible". In all cases such testing shall be completed before any aspect of the undertaking affects a site.
- 45. When it is not feasible to avoid a site designated "Eligible" in Table A, the licensee shall institute a data recovery program for that site based on the research design submitted by letter from C. E. Baker of Energy Fuels Nuclear to Mr. Melvin T. Smith, Utah State Historic Preservation Officer, dated April 13, 1981.
- 46. The licensee shall adhere to the monitoring program for the preservation of cultural resources as developed and submitted to the Commission by letter dated June 27, 1979.
- 48. The licensee shall adhere to the layout of construction and ore haul roads as presented in reports submitted to the Commission by letters dated September 11, 1979 and October 9, 1980. Plans for the construction of new haul roads or realignment of approved haul roads shall be submitted to the Commission for approval prior to their implementation.
- 49. Archeological contractors shall be approved in writing by the Commission. The Commission will consult with the SHPO regarding the qualifications of all archeological contractors and the quality of the laboratory facilities they will use. The Commission will approve an archeological contractor who meets the minimum standards for a

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principal investigator set forth in 36 CFR Part 66, Appendix C, and whose qualifications are found acceptable by the SHPO.

Original Signed by  
**D. M. Gillen**

Daniel M. Gillen, Project Manager  
New Facilities Section  
Uranium Recovery Licensing Branch  
Division of Waste Management

Original Signed by:

**D. E. Martin**

Approved By:

Dan E. Martin, Section Leader  
New Facilities Section  
Uranium Recovery Licensing Branch  
Division of Waste Management

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## TABLE A (Revised)

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## Archeological Sites Related to the White Mesa Project

Eligible Sites		Undetermined Sites		Non-Eligible Sites
6379	6699	3766	7663	*6380
*6381	6739	6382	7664	*6383
*6384	6740	6389	7669	*6397
*6385	*6757	6390	7670	*6420
*6386	7653	6398	7671	6684
*6387	7655	6399	7672	*6685
*6388	7656	6400	7673	*6754
6391	7657	6401	7674	7654
*6392	7658	6402	7676	7698
*6393	7659	6406	7679	*7753
6394	7660	6407	7680	*7870
6395	7661	6419	7681	*8015
*6396	7665	6421	7682	*8017
*6403	7668	6422	7683	
*6404	7675	6423	7685	
6405	7684	6424	7686	
6408	7687	6425	7688	
6427	7689	6426	7692	
6429	7690	6428	7694	
*6430	7691	*6431	7695	
6432	7693	6433	7699	
*6435	7696	6434	7750	
*6436	7700	6438	7751	
*6437	7752	6440	7875	
6439	*7754	6442		
6441	7876	6752		
6443	*8014	6753		
6444		7662		
6445				
*6686				
*6697				
*6698				
Total: 59		Total: 52		Total: 13

\*Sites located within 100 feet of present or known future construction areas.