

DISTRIBUTION
Docket No. 40-8681
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40-8681/DMG/82/06/07/0

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JUN 28 1982

WMUR:DMG
Docket No. 40-8681
SUA-1358, Amendment No. 14

Energy Fuels Nuclear, Inc.
ATTN: Mr. C. E. Baker
Manager, Regulatory Compliance
Three Park Central, Suite 900
1515 Arapahoe
Denver, Colorado 80202

Dear Mr. Baker:

Pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. SUA-1358 is hereby amended by revising License Conditions 41, 45, 46, 48, and 49 and revising Table A to read as follows:

- 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.

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|------|---|---|---|---|---|---|---|
| OFC | : | : | : | : | : | : | : |
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| DATE | : | : | : | : | : | : | : |

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

All other conditions of the license shall remain the same.

The above license condition changes are based on developments during the past 18 months regarding the archeological program at the White Mesa site. License conditions have been updated in accordance with EFN information submittals and recommendations by the SHPO's office, the Advisory Council on Historic Preservation, and the NRC's consultant, the Interagency Archeological Services. In addition, the White Mesa Memorandum of Agreement (MOA) has been amended to reflect the updated archeological program (copy attached). The license revisions were discussed in a June 21, 1982 telephone conversation between Mr. C. E. Baker of EFN and Mr. Daniel M. Gillen of my staff.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by:

R. A. Scarano

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

Enclosures:

- 1. Table A
- 2. White Mesa Memorandum of Agreement

| | | | | | | |
|------|-------------------|-------------------|-------------------|-------------------------|---|---|
| OFC | : WMUR <i>DMG</i> | : WMUR <i>DMG</i> | : WMUR <i>DMG</i> | : WMUR | : | : |
| NAME | : DMGillen | : DEMartin | : RAScarano | : B. Fisher <i>B.F.</i> | : | : |
| DATE | : 6/22/82 | : 6/23/82 | : 6/27/82 | : 6/28/82 | : | : |

TABLE A (Revised)

JUN 28 1982

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 |
| *5385 | *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.

**Advisory
Council On
Historic
Preservation**

40-8681
PDR

1522 K Street, NW
Washington, DC 20005



APR 12 1982

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

Dear Mr. Scarano:

The amended Memorandum of Agreement for the amendment of the Source Material license of Energy Fuels Nuclear, Inc., affecting the White Mesa Archeological District in Utah has been ratified by the Chairman of the Council. This document constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800). A copy of the Agreement is enclosed.

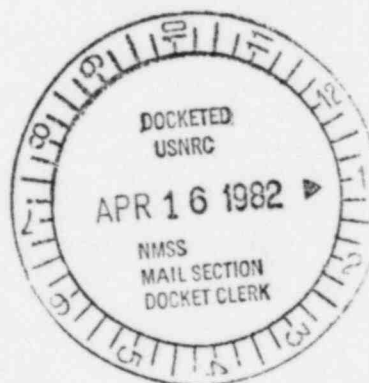
The Council appreciates your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas F. King".

Thomas F. King
Director, Office of Cultural
Resource Preservation

Enclosure



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Info Only

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Advisory Council On Historic Preservation

1522 K Street, NW
Washington, DC 20005

AMENDMENT TO MEMORANDUM OF AGREEMENT

WHEREAS, the Nuclear Regulatory Commission (Commission), the Utah State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (Council) executed a Memorandum of Agreement on August 15, 1979, for the issuance of a Source Material License to Energy Fuels Nuclear, Incorporated, for a uranium mill on White Mesa, Utah; and;

WHEREAS, pursuant to 36 CFR Sec. 800.6(c)(4) of the Council's regulations the Commission has now requested an amendment to the Memorandum of Agreement; and,

WHEREAS, pursuant to the Council's regulations, representatives of the Council, the Commission and the Utah SHPO have consulted and reviewed the proposed amendment to consider alternatives to avoid or satisfactorily mitigate the adverse effect;

NOW, THEREFORE, it is mutually agreed that the undertaking will be implemented in accordance with the Memorandum of Agreement ratified on August 15, 1979, as amended by the following stipulations.

STIPULATIONS

- I. Revised "Table A" (attached), which includes sites in the NE $\frac{1}{4}$ of Section 33, T 37 S, R 22 E, will be substituted for the original Table A.
- II. The following Stipulations will replace those of the same number in the original Agreement.
 - 1.b. 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." This action by the licensee shall be completed by July 1, 1982. In all cases such testing shall be completed before any aspect of the undertaking affects a site.
 - 1.d. The licensee shall conduct archeological and historical surveys and testing to identify such additional sites as may be located on lands associated with the undertaking, but that have not currently been identified, e.g., in borrow areas outside the current project boundaries. The results of any survey shall be reported to the Commission and the licensee shall avoid any sites

within these areas until the Commission has reviewed the report and determined whether to further amend Table A to include additional sites. If these areas are included, the licensee shall take such action with respect to such additional sites as is required for originally designated sites.

- 1.f. 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 a research design that takes into account the Council's Handbook, "Treatment of Archeological Properties" (copy enclosed).
- 1.k. Archeological contractors must 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 principal investigator set forth in 36 CFR Part 66, Appendix C, and whose qualifications are found acceptable by the SHPO.

Robert Sawyer Dec 18 1981
Executive Director
Advisory Council on Historic Preservation

Robert Sawyer (date) 2/1/82
Nuclear Regulatory Commission

Robert Smith (date) 3-16-82
Utah State Historic Preservation Officer

Alexander Aldrich (date) 4/5/82
Chairman
Advisory Council on Historic Preservation

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| Eligible Sites | | Undetermined Sites | | Non-Eligible Sites |
|----------------|-------|--------------------|------|--------------------|
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| *6385 | *6757 | 6398 | 7671 | 6684 |
| *6386 | 7653 | 6399 | 7672 | *6685 |
| *6387 | 7655 | 6400 | 7673 | *6754 |
| *6388 | 7656 | 6401 | 7674 | 7654 |
| 6391 | 7657 | 6402 | 7676 | 7698 |
| *6392 | 7658 | 6406 | 7679 | *7753 |
| *6393 | 7659 | 6407 | 7680 | *7870 |
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| 6395 | 7661 | 6421 | 7682 | *8017 |
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| *6430 | 7691 | 6433 | 7699 | |
| 6432 | 7693 | 6434 | 7750 | |
| *6435 | 7696 | 6438 | 7751 | |
| *6436 | 7700 | 6440 | 7875 | |
| *6437 | 7752 | 6442 | | |
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| 6443 | *8014 | 7662 | | |
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| 6445 | | | | |
| *6686 | | | | |
| *6697 | | | | |
| *6698 | | | | |
| Total: 59 | | Total: 52 | | Total: 13 |

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