

**Advisory  
Council On  
Historic  
Preservation**

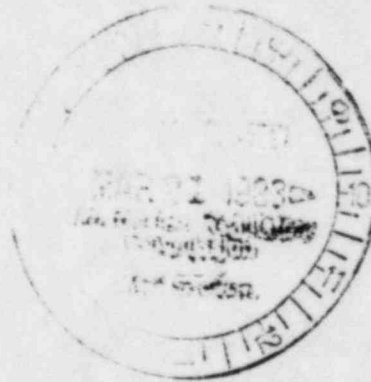
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PDR

1522 K Street, NW  
Washington, DC 20005

MAR 14 1983

Mr. John J. Linehan  
Branch Chief  
Licensing Branch I  
Uranium Recovery Field Office  
Nuclear Regulatory Commission  
Box 25325  
Denver, CO 80225



Dear Mr. Linehan:

Enclosed is the amended Memorandum of Agreement reflecting the agreement to mitigate, avoid, or accept the adverse effects of the amendment to the Source Materials License of Energy Fuels Nuclear for its White Mesa Uranium Mill in the vicinity of Blanding, Utah.

Please sign and date this amended agreement and forward it to Dr. Melvin Smith, Utah State Historic Preservation Officer, for his dated signature. Thereafter, it must be returned to the Council for ratification by the Chairman. The amended agreement will become final 30 days after receipt by the Chairman or earlier if ratified by the Chairman.

Thank you for your cooperation.

Sincerely,

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

Thomas F. King  
Director, Office of Cultural  
Resource Preservation

Enclosure



**FEE EXEMPT**

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info only

Certified by B. Fisher

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# Advisory Council On Historic Preservation

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1522 K Street, NW  
Washington, DC 20005

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## AMENDMENT TO MEMORANDUM OF AGREEMENT

WHEREAS, the Nuclear Regulatory Commission (NRC), 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 issuance of a Source Materials License to Energy Fuels Nuclear's White Mesa Uranium Mill in the vicinity of Blanding, Utah, and,

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

NOW, THEREFORE, it is mutually agreed that the undertaking will be implemented in accordance with the following amendments which supercede the original stipulations.

### Stipulations

1. The Commission will amend its license for the undertaking to include therein amended conditions similar to the following:
  - a. The Commission will maintain a Table of Archeological Site Status (henceforth Table) showing each archeological site potentially affected by implementation of this license. Each site will be assigned to one of three categories: Contributing Sites, Non-contributing Sites, Undetermined Sites. Assignment to one of these categories will be based upon the individual site's significance to the White Mesa Archeological District.
  - b. The licensee shall conduct such testing as is required to enable the Commission to determine if those sites designated as "Undetermined" in the Table and located within 100 feet of present or known future construction areas are of such significance to warrant their redesignation as "Contributing". Such testing shall be completed with respect to each site before any aspect of the undertaking affects the site.

- c. The licensee shall conduct archeological and historic surveys and testing on the NE 1/4 of Section 33, T37S, R22E to identify such additional sites as may be located there and to enable the Commission to assign each a status in the Table. The results of surveys and testing shall be reported to the Commission. The licensee shall avoid any site within this area until the Commission has reviewed the licensee's report and has advised the licensee of its determinations. If the Commission, upon review, amends the Table to include additional sites, the licensee shall take such action with respect to such additional sites as is required pursuant to stipulations le through lg.
- 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 the Table to include additional sites. If these areas are included, the licensee shall take such action with respect to such additional sites as is required pursuant to stipulations le through lg.
- e. The licensee shall avoid any site designated "Undetermined" in the Table.
- f. The licensee shall avoid by project design, where feasible, the sites designated "Contributing" in the Table. Sites that will ultimately be located within 100 feet of the perimeter of the reclaimed tailings impoundment area or any other construction area are considered unavoidable.
- g. When it is not feasible to avoid a site designated "Contributing" in the Table, the licensee shall institute a data recovery program based on a research design that takes into account the Council's Handbook, "Treatment of Archeological Properties" (copy enclosed). The data recovery program shall address all "Contributing" sites listed in the Table which are located in or within 100 feet of borrow areas, stockpile areas or construction areas. Data recovery fieldwork at each site meeting these criteria shall be completed prior to the start of any project-related disturbance within 100 feet of the site, but analysis and report preparation need not be complete.
- h. The Commission may amend the Table without amendment to this license.

- i. The licensee shall cooperate with the Commission in the development and implementation of a monitoring program with respect to the preservation of historic properties. The licensee shall have obtained the approval of the Commission with respect to this program before initiation of ground-disturbing activities. The plan shall, among other things, include provision for (1) the presence during specified operations of an archeological contractor satisfactory to the Commission and (2) appropriate action, including notice to the Commission and the SHPO and suspension of ground-disturbing activities, upon discovery of previously unidentified historic property.
  - j. The licensee shall consult with the archeological contractor in the layout of haul roads, in order to avoid sites, and shall obtain the approval of the Commission for this layout prior to earth moving activities.
  - 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 D, and whose qualifications are found acceptable by the SHPO.
2. The Commission will review all determinations of the State Historic Preservation Officer with respect to sites whose status (eligibility) has to date been found to be "undetermined" or which are subsequently reported to the Commission as a result of surveys or discovery during the conduct of the undertaking. If the Commission concurs with the determinations of the SHPO, the Commission will take the indicated administrative action (i.e., amend the Table referred to in the license conditions). If the Commission does not concur with the determinations of the SHPO, it will request the recommendations of the Council and take these recommendations into account before any adverse effects upon such sites are permitted.
3. The Commission will consult with the SHPO with respect to any data recovery program to be undertaken by the licensee to mitigate adverse effects and with respect to the monitoring program which the licensee will be required to implement. If the Commission concurs with the recommendations of the SHPO, it will require the licensee to institute programs in accordance therewith. Otherwise, the Commission will request and take into account the recommendations of the Council before any adverse effects upon the affected sites are permitted.
4. The Commission will consult with the SHPO with respect to the layout of haul roads prior to giving its approval to any request of the licensee with respect thereto.

5. The Commission will exercise its inspection and enforcement authority in good faith to assure that the activities of the licensee are carried out in accordance with its license and the provisions of this Agreement.
6. The Commission will submit to the Keeper of the National Register a request to expand the area of the Archeological District to include the NE 1/4 of Section 33, T37S, R22E, if initial determinations concerning the significance of individual sites within that area so warrant.

\_\_\_\_\_  
(date)  
Nuclear Regulatory Commission

\_\_\_\_\_  
(date)  
Utah State Historic  
Preservation Officer

*Robert Davy Marshall*  
\_\_\_\_\_  
Executive Director  
Advisory Council on Historic Preservation

\_\_\_\_\_  
(date)  
Chairman  
Advisory Council on Historic Preservation