



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 6, 2020

Dr. Jeff Pappas
State Historic Preservation Officer
New Mexico Historic Preservation Division
Department of Cultural Affairs
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Log 112814
Date Received April 6, 2020

SUBJECT: CHURCH ROCK MILL SITE LICENSE AMENDMENT: CLARIFICATIONS TO THE AREA OF POTENTIAL EFFECT AND RECOMMENDATIONS OF ELIGIBILITY FOR HISTORIC PROPERTIES IN MCKINLEY COUNTY, NEW MEXICO (DOCKET NUMBER: 040-8907)

Dear Dr. Pappas:

General Electric/United Nuclear Corporation (UNC) submitted an application to amend its source material license (SUA-1475) in September 2018, in which they propose to excavate approximately 1 million cubic yards of mine waste from the Northeast Church Rock Mine Site and dispose of it at the adjacent UNC Mill Site. Included in that application were Historic and Cultural Resources Reports that identified cultural resources at the project location.

By letter dated November 26, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff initiated its Section 106 consultation under the National Historic Preservation Act and provided its proposed area of potential effect (APE) for the Church Rock license amendment request. The direct APE for this project consists of the area that may be directly affected by ground disturbance and waste transfer activities. For this project, the direct APE is approximately 370 acres. Given the nature of the undertaking with limited permanent alteration to the present grade and appearance of the landscape, the NRC staff has determined that the indirect APE consists of the area within 1 mile of the direct APE, where potential visible, audible, or other effects could impact previously documented historic properties. In total the indirect APE covers 6,703 acres. A map showing the APE is enclosed (Enclosure 1).

The NRC staff is providing for your review and concurrence determinations of eligibility to the National Register of Historic Places (NRHP), one historic property within the APE. Those reports are enclosed for your review (Enclosure 2).

The cultural resource reports were also provided to consulting Tribes. In December 2019, the NRC staff and the Navajo Nation Tribal Historic Preservation Officer (THPO) participated in a tribal site visit. Input provided from the Navajo THPO during that visit was consistent with the findings of the cultural resource reports, and specifically that site LA-11617 should be recommended as eligible under Criterion D of the NRHP evaluation criteria (36 CFR 60.4).

NRC recognizes the special expertise of the Tribe in assessing historic properties that may possess religious and cultural significance, and based on the result of tribal input received, the NRC recommends sites LA-11617 be listed as eligible for the NRHP under Criterion D. This site was also recommended as eligible the cultural resource report (Enclosure 2). Enclosure 3 contains the updated site forms for site LA-11617. All enclosures will be treated as non-public pursuant to 10 CFR 2.390 and 36 CFR 800.11(c).

Four sites have been identified that fall within the APE on tribal lands, those evaluations have been sent to the Navajo Nation THPO for review and concurrence. Sites NM-Q-20-69, NM-Q-20-70, NM-Q-20-71, and NM-Q-20-72 are being recommended by NRC as eligible for listing.

The NRC staff requests your concurrence on the NRC's recommendations of eligibility within 30 days of receipt of this letter. If you have any questions or require additional information, please contact Ms. Ashley Waldron by telephone at (301) 415-7317 or via email at Ashley.Waldron@nrc.gov.

Sincerely,



Cinthya I. Román, Chief
Environmental Review Materials Branch
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 040-8907
License No. SUA-1475

cc w/o enclosure:


Sara Jacobs, EPA, Region 9
Janet Brooks, EPA, Region 6
Richard Begay, Navajo Nation THPO
Lance Hauer, GE

Enclosures:

1. APE Map
2. Cultural Reports
3. New Mexico Cultural Properties Forms

Concur with eligibility determination
as proposed.

4/15/2020

 Michelle Ensey
for the State Historic Preservation Officer