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

September 22, 2021

VIA EMAIL ONLY

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
jeff.pappas@state.nm.us

Received HPD 9/23/2021
Log#115932

SUBJECT: CHURCH ROCK MILL SITE LICENSE AMENDMENT: UPDATED RECOMMENDATION OF ELIGIBILITY FOR HISTORIC PROPERTIES IN MCKINLEY COUNTY, NEW MEXICO (DOCKET NUMBER: 040-8907)

Dear Dr. Pappas:

General Electric (GE)/United Nuclear Corporation (UNC) submitted an application in September 2018 to the U.S. Nuclear Regulatory Commission (NRC) to amend its source material license (SUA-1475) in which they propose to excavate 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 and around the project location.

Consistent with the National Historic Preservation Act, as described in Title 36 of the Code of Federal Regulations (CFR) § 800.14, NRC is developing a programmatic agreement in coordination with the Navajo Nation Tribal Historic Preservation Office (NN THPO), New Mexico State Historic Preservation Office (SHPO), Environmental Protection Agency (Regions 6 and 9), Bureau of Indian Affairs (Navajo Region), and GE for the eligible sites at the Church Rock Mine Site and the UNC Mill Site.

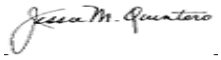
By letter dated April 6, 2020 (available under NRC's Agency Wide Document System (ADAMS) Accession No. ML20087K947), the NRC staff provided for your review and concurrence a determination of eligibility to the National Register of Historic Places one historic property within the Area of Potential Effect (APE), site LA-11617. You provided concurrence on the NRC's eligibility determinations on April 15, 2020 (ADAMS Accession No. ML20107F771). The NRC also indicated in that letter that four sites (NM-Q-20-69, NM-Q-20-70, NM-Q-20-71, and NM-Q-20-72) were identified that fall within the APE on tribal lands. The NRC sent its recommendation that the four sites were eligible for listing to the NN THPO for their review and concurrence (ADAMS Accession No. ML20091G278). On May 26, 2020, the NN THPO concurred with the NRC's recommendations for the four sites (ADAMS Accession No. ML20167A115).

In May 2021, GE/UNC notified the NRC of an error in the land status of a parcel of land within the Church Rock Mine Site (Enclosed). Sixty-one acres of the Church Rock Mine site, located on Section 34, is actually owned by UNC, and thus is not on tribal lands. Site NM-Q-20-69 falls within this parcel of private land and was previously recommended as eligible by the NRC and concurred on by the NN THPO. The NRC has notified the NN THPO about the change in property ownership.

Since Site NM-Q-20-69 falls within private land, and not tribal land, the NRC requests your concurrence on the NRC's recommendation of eligibility for site NM-Q-20-69 within 30 days of receipt of this letter. After your review of this site determination, the NRC intends to issue the draft Programmatic Agreement for public comment in October 2021.

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,



Signed by Quintero, Jessie on 09/22/21

Jessie Quintero, 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

Enclosure:
GE/UNC Erratum (ML21144A008)

Concur with eligibility determination, for the NM State Historic Preservation Officer

Michelle M. Ensey Digitally signed by Michelle M. Ensey Date: 2021.09.29 13:50:28 -06'00'

cc w/enclosure:
Michele Ensey, Deputy State Historic Preservation Officer
and State Archaeologist michelle.ensey@state.nm.us
Sara Jacobs, EPA, Region 9 jacobs.sara@epa.gov
Janet Brooks, EPA, Region 6 brooks.janet@epa.gov
Richard Begay, Navajo Nation THPO r.begay@navajo-nsn.gov
Lance Hauer, GE lance.hauer@ge.com