



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

February 18, 2025

Buu Nygren, President
Navajo Nation, Arizona, New Mexico
and Utah
P.O. Box 7440
Navajo Tribal Hill Drive Office
of the President
Window Rock, AZ 86515

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION FINDING OF NO ADVERSE
EFFECTS HOMESTAKE MINING COMPANY OF CALIFORNIA MODIFICATION
OF THE EVAPOTRANSPIRATION COVER, CIBOLA COUNTY, NEW MEXICO
(DOCKET NUMBER: 040-08903)

Dear President Buu Nygren:

The U.S. Nuclear Regulatory Commission (NRC) is considering issuing a license amendment (Agencywide Documents Access and Management System (ADAMS) ML22256A283) pursuant to the Atomic Energy Act of 1954, as amended and Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40 for Homestake Mining Company (HMC) in Cibola County, New Mexico. If the NRC elects to approve the license amendment, the project will be an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800. HMC is proposing to modify the 1995 NRC-approved large tailings pile (LTP) cover design as an evapotranspiration (ET) cover system. Soil and rock for the proposed LTP ET cover would be obtained from the north and west borrow areas, which are outside of the NRC-licensed boundary and on HMC-owned land (see Enclosure, Area of Potential Effect (APE) Map). Excavation of the borrow areas would not exceed a depth of 3 m (10 ft) below ground surface. HMC would sort excavated soil and rock, and stockpile sorted material adjacent to each borrow area. These areas, which contain native vegetation, would be cleared of brush, grass, woody stumps, and other debris prior to excavation. HMC would strip the topsoil in the borrow areas for later use in reclamation of the borrow areas.

The proposed action, HMC's preferred design to complete decommissioning and reclamation of the LTP, is described in the license amendment request (LAR) and responses to NRC staff's requests for additional information regarding the environmental report (ML24197A248 and ML23454A217, respectively). HMC's LAR requires NRC approval of a revised LTP cover design that must meet (1) Materials License SUA-1471 license condition 37, as revised by approval of the LAR, and (2) 10 CFR 40, appendix A, Criterion 6, to protect human health and the environment.

The NRC defines the APE as the large tailings pile and the area included in the north and west borrow areas, which is located entirely on privately owned lands (Enclosure). There are no historic structures or buildings within the undertaking APE. No ethnographic and traditional cultural properties or landscapes have been formally identified within the APE.

On March 26, 2024, the NRC initiated Section 106 consultation with the New Mexico State Historic Preservation Office (SHPO); the Advisory Council on Historic Preservation; Apache Tribe of Oklahoma; Navajo Nation; Pueblo of Acoma; Pueblo of Isleta; Pueblo of Jemez; Pueblo of Laguna; and Zuni Tribe of the Zuni Reservation. This initiation provided notification of the NRC's decision to use the National Environmental Policy Act of 1969, as amended, process to comply with its obligations under Section 106 in accordance with 36 CFR § 800.8(c). Other than the New Mexico SHPO's letter response, dated April 23, 2024, no other correspondence has been received regarding this undertaking.

On July 23, 2024, the NRC met with the New Mexico SHPO to discuss our finding of no historic properties affected. During that meeting the NRC presented slides that detailed the APE and the resources that have been identified in the immediate environs. On July 26, 2024, the New Mexico SHPO provided an email that identified seven sites of interest. They requested the NRC assess impacts of the undertaking on those sites. In December of 2024, HMC provided the New Mexico SHPO with a survey report completed by Lone Mountain Archaeological Services, Inc. (Lone Mountain) (New Mexico State Permit No. NM-25-073-S, NMCRIS 157162). The Lone Mountain report reevaluated six of the seven sites identified by the NM SHPO (LA104308, LA104309, LA104310, LA104311, LA153552 and LA153556) and provided eligibility recommendations. The seventh site (LA104307) was located outside of the APE and was not reevaluated as part of the Lone Mountain survey.

The NRC identified twelve sites in the APE, and their eligibility is summarized in the enclosed table.

The NRC is issuing a draft Cultural Resources analysis for Section 106 consultation and public comment. The results of identification and evaluation efforts in compliance with Section 106 will be posted on the NRC project [website](#) for a 30-day period after NRC staff receives a response from the New Mexico SHPO.

After reviewing the available information, the NRC has determined no adverse effects for this undertaking. Additionally, the NRC-licensed area at the HMC site is protected from public access by a fence and as stated in the LAR, and sites eligible for listing on the National Register of Historic Places will be fenced or otherwise identified to ensure that construction activities do not impact the sites.

Based on the findings summarized above NRC is submitting supporting documentation for your review and consideration of our finding of no adverse effect as defined in 36 CFR § 800.5(b). Please provide your concurrence or objection, **electronically**, to Jean Trefethen by March 14, 2025. The NRC will proceed to the next step in review if we do not receive a response from you by March 14, 2025. Please direct any questions you may have to environmental project manager Jean Trefethen at jean.trefethen@nrc.gov.

Sincerely,



Signed by Moses, John
on 02/18/25

John Moses, Deputy Director
Division of Rulemaking, Environmental
and Financial Support,
Office of Nuclear Material Safety
and Safeguards

Docket No: 040-08903

Enclosure:
APE Map

Confidential References Available at the NM SHPO Website:

1. Taschek Environmental Consulting (TEC). 2006. Cultural Resources Inventory of 350 Acres for the Homestake Mining Company in Cibola County, New Mexico. July. NM State Permit No. NM-06-121-S, NMCRIS No. 100406
2. Lone Mountain Archaeological Services, Inc. (Lone Mountain). 2018. An Intensive Cultural Resources Survey for Homestake Mining Company Grants Reclamation Project. March. NM State Permit No. NM-073-17-S, NMCRIS No. 139933
3. Lone Mountain. 2024. Homestake Mine Site Evaluation for LA 104308, LA 104309, LA 104310, and LA 153556 in Cibola County, New Mexico. November. NM State Permit No. NM-25-073-S, NMCRIS No. 157162

cc: Richard Begay, THPO
R.begay@navajo-nsn.gov

Sites identified in the APE

	Site number	Recommendation (most recent survey year)
1	LA140308	Ineligible (1995)
2	LA140309	Potentially eligible (1995) Ineligible (2024)
3	LA140310	Ineligible (1995)
4	LA140311	Eligible (1995) Ineligible (2024)
5	LA153550	Ineligible (2006)
6	LA153551	Ineligible (2006)
7	LA153552	Eligible (2006) Undetermined (2024)
8	LA153555	Ineligible (2006)
9	LA153556	Unevaluated (2006) Ineligible (2024)
10	LA153557	Eligible (2006, 2018)
11	LA153558	Ineligible (2006, 2018)
12	LA190258	Ineligible (2018)

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DATED: February 18, 2025

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Homestake listserv

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