



53

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 9, 1999

Mr. Edward Dutchie
Tribal Councilman
White Mesa Ute Council
P.O. Box 340
Blanding, Utah 84511

SUBJECT: REQUEST FOR COMMENTS REGARDING CULTURAL AND HISTORICAL
RESOURCES FOR THE PROPOSED RECLAMATION PLAN FOR
INTERNATIONAL URANIUM CORPORATION'S (IUC) WHITE MESA URANIUM
MILL SITE IN BLANDING, UTAH

Dear Mr. Dutchie:

International Uranium Corporation (IUC) has submitted to the U.S. Nuclear Regulatory Commission (NRC) a revised plan for reclamation of the White Mesa Uranium Mill site in San Juan County, in Blanding, Utah. The original reclamation plan was submitted on February 28, 1997. After response to NRC comments, revision 2.0 was submitted to the NRC in a letter dated May 26, 1999, and Attachment A to revision 2.0 was submitted in a letter dated June 22, 1999. The IUC site is licensed by the NRC under Materials License SUA-1358 to possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by the licensee's milling operations, as well as other source material from multiple locations. The mill is currently operating.

The reclamation plan is to be implemented after operations of the mill have come to a close and the site is ready to be decommissioned and the tailings reclaimed. The plan includes the removal of contaminated materials (including windblown material) and placement into the tailings pile, cover and in place stabilization of the tailings and contaminated material, and removal of mill structures. All disturbed areas will be covered, graded, and vegetated as required. All materials will be mainly collected within the site boundaries with the exception of rock which will be obtained from one of three pits surrounding the Blanding area. The plan is being reviewed by NRC staff in order to assure that the reclamation of the tailings and waste areas is in accordance with technical criteria defined in 10 CFR Part 40, Appendix A. As part of that review, the NRC is required to complete an Environmental Assessment (EA) associated with the acceptance of the reclamation plan. The NRC requests your assistance in completing this EA. 11

The following paragraphs concerning historical and cultural resources were taken from a previous NRC EA associated with license renewal completed on February 27, 1997.

A historical survey was conducted in the project vicinity as part of the initial license application, and six historical sites were identified. However, none of these sites is in an area which will be affected by operations at the mill. NLX2

3411-78

9909150019 990909
NMSS ADOCK 04008681
(CF)

NRC FILE CENTER COP B128

E. Dutchie

-2-

September 9, 1999

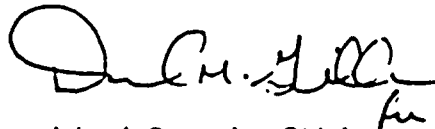
Archaeological surveys of the project site conducted in 1977 and 1979, identified 121 prehistoric sites which are affiliated with the San Juan Anasazi Indians who occupied this area of Utah from about 0 A.D. to 1300 A.D. As a result of the archaeological findings, a Memorandum of Agreement (MOA) between NRC, the Utah State Historic Preservation Officer, and the Advisory Council on Historic Preservation was established to specify requirements necessary to minimize adverse impacts to the previously identified archaeological sites.

The requirements were incorporated into SUA-1358 when initially issued. The requirements have been modified following subsequent amendments to the MOA. The most recent modifications were incorporated into SUA-1358 through the issuance of a license amendment on May 11, 1983. These requirements will be included in the renewed license.

The licensee will also be required to conduct, as a minimum, an archaeological and historical artifact survey of areas not previously surveyed prior to their disturbance.

The above information will be used to complete the EA for the reclamation plan, unless any new information is found regarding this site. In addition, the current license condition that requires the licensee to administer a cultural resource inventory is enclosed. If you have any comments or questions regarding this request, please contact the NRC Project Manager, William von Till, at (301) 415-6251 or rwv@nrc.gov. A response within 30 days of receipt of this letter is appreciated.

Sincerely,



John J. Surmeier, Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-8681
License No.: SUA-1358

Enclosure: As stated

cc: M. Rehmann, IUC
W. Sinclair, UT
C.Crist, Ute Mountain Ute Tribe EPA
Terry Brown, US EPA Region VIII

September 9, 1999

Archaeological surveys of the project site conducted in 1977 and 1979, identified 121 prehistoric sites which are affiliated with the San Juan Anasazi Indians who occupied this area of Utah from about 0 A.D. to 1300 A.D. As a result of the archaeological findings, a Memorandum of Agreement (MOA) among NRC, the Utah State Historic Preservation Officer, and the Advisory Council on Historic Preservation was established to specify requirements necessary to minimize adverse impacts to the previously identified archaeological sites.

The requirements were incorporated into SUA-1358 when initially issued. The requirements have been modified following subsequent amendments to the MOA. The most recent modifications were incorporated into SUA-1358 through the issuance of a license amendment on May 11, 1983. These requirements will be included in the renewed license.

The licensee will also be required to conduct, as a minimum, an archaeological and historical artifact survey of areas not previously surveyed prior to their disturbance.

The above information will be used to complete the EA for the reclamation plan, unless any new information is found regarding this site. In addition, the current license condition that requires the licensee to administer a cultural resource inventory is enclosed. If you have any comments or questions regarding this request, please contact the NRC Project Manager, William von Till, at (301) 415-6251 or rwv@nrc.gov. A response within 30 days of receipt of this letter is appreciated.

Sincerely,

[Dan Gillen for]

John J. Surmeier, Chief
Uranium Recovery and
Low-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-8681

License No.: SUA-1358

Enclosure: As stated

cc: M. Rehmann, IUC

W. Sinclair, UT

C. Crist, Ute Mountain Ute Tribe EPA

Terry Brown, US EPA Region VIII

DISTRIBUTION w/Encl.:

~~ACNW~~ ACNW

NMSS r/f

URLL r/f

BSplitzberg/RIV

w/oEncl.:

ARamirez

JHolonich

MLayton

DOCUMENT NAME: G:\URLL\RWV\IUC-shpocons.wpd

OFC	URLL	URLL	2	URLL
NAME	WvonTill:bg	DGillen		JSurmeier
DATE	9/7/99	9/9/99	H	9/9/99

OFFICIAL RECORD COPY

This document should/should not be made available to the PUBLIC

(Initials)

(Date)

9/7/99

LICENSE CONDITION 9.7 FROM SUA-1358

The current license contains the following condition to address historical and cultural issues:

- 9.7 Before engaging in any activity not previously assessed by the U.S. Nuclear Regulatory Commission (NRC), the licensee shall administer a cultural resource inventory. All disturbances associated with the proposed development will be completed in compliance with the National Historic Preservation Act (as amended) and its implementing regulations (36 CFR 800), and the Archaeological Resources Protection Act (as amended) and its implementing regulations (43 CFR 7).

In order to ensure that no unapproved disturbance of cultural resources occurs, any work resulting in the discovery of previously unknown cultural artifacts shall cease. The artifacts shall be inventoried and evaluated in accordance with 36 CFR Part 800, and no disturbance shall occur until the licensee has received authorization from the NRC to proceed.

The licensee shall avoid by project design, where feasible, the archaeological sites designated "contributing" in the report submitted by letter dated July 28, 1988. When it is not feasible to avoid a site designated "contributing" in the report, 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 (SHPO), dated April 13, 1981.

The licensee shall recover through archeological excavation all "contributing" sites listed in the report which are located in or within 100 feet of borrow areas, stockpile areas, construction areas, or the perimeter of the reclaimed tailings impoundment. 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.

Additionally, the licensee shall conduct such testing as is required to enable the Commission to determine if those sites designated as "Undetermined" in the report and located within 100 feet of present or known future construction areas are of such significance to warrant their redesignation as "contributing." In all cases, such testing shall be completed before any aspect of the undertaking affects a site.

Archaeological contractors shall be approved in writing by the Commission. The Commission will approve an archaeological 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.

Enclosure