



Sweetwater Uranium Project
Renewal of Source Material License SUA-1350
Docket Number: 40-8584
Responses to the Nuclear Regulatory Commission's Requests for Additional
Information Dated October 31, 2017

Introduction

The U.S. Nuclear Regulatory Commission (NRC) is reviewing Kennecott Uranium Company's (Kennecott's) Sweetwater Uranium Project request for a ten-year renewal of Source Material License SUA-1350 that was submitted on July 24, 2014. The NRC provided Requests for Additional Information (RAIs) in letters dated July 13, 2015, February 12, 2016 and June 26, 2017. On August 18, 2016, a public conference call was held to discuss specific license conditions that will be modified as part of the license renewal process. In the conference call and by follow-up letter dated August 25, 2016 the NRC requested additional information regarding groundwater characterization, groundwater monitoring for the first new tailings impoundment and proposed evaporation ponds, and air monitoring.

The NRC provided two additional RAIs by cover of letter dated October 31, 2017. RAI No. 1 requests additional information regarding cultural and historical resources and RAI No. 2 requests additional information regarding modifications to the Supplemental ER for the Project related to the no-action alternative. The revised Supplemental ER is submitted with this RAI response report.

RAI No. 1 – Cultural and Historic Resources

One cultural resource site (48SW9829) was identified by Pronghorn Archeological Services in 1993 during a site survey. During previous consultation with the Wyoming State Historic Preservation Officer, the NRC staff recommended that the site remain categorized as unevaluated until that the area may be disturbed and that the site should undergo additional archeological evaluation. License Condition (LC) 9.8, includes a commitment that KUC would survey areas for cultural resources that have not been previously surveyed. However, this site has been surveyed, LC 9.8 does not apply to this site, which has already been surveyed.

Please describe any work KUC performed in the area of this site, and how and to what extent KUC has undertaken further evaluation of the site as committed to LC 9.8.

RESPONSE:

Kennecott Uranium Company has performed no work or disturbance of any nature in the area of Cultural Resources Site 48SW9829. Also, no additional survey work or additional evaluation has been performed since the site was initially described in the report entitled *Class III Cultural Resource Inventory of the Kennecott Uranium Company Sweetwater Uranium Facility Expansion Sweetwater County, Wyoming*. This report concludes:

"...this site is considered to be eligible for inclusion in the National Register of historic Places. Further testing is recommended if the expansion of the mill facility encompasses this site."

This report was reviewed by the State Historic Preservation Officer (SHPO) and in a letter dated October 29, 1993 he stated:

"Site 48SW9829 was originally recommended by the consultant as eligible for the National Register of Historic Places. We would prefer that the eligibility for 48SW9829 remain unevaluated until additional testing demonstrates the presence of intact cultural deposits. If construction impacts to this site are proposed, we recommend that an archeological testing program be conducted to further assess site eligibility and project effects."

The site was also described in the August 1994 Revised Environmental Report (Shepherd Miller, Inc., 1994) in Section 2.4 when it stated:

"Only one of these sites, 48SW9829, is considered by Pronghorn Archaeological Services to be eligible for inclusion in the National Register of Historic Places. The presence of 53 cm to 80 cm of deposition on this site indicates that this site has potential to contribute additional information important to the prehistory of the area. Small, single component activity areas are critical in understanding the extent of prehistoric land use, settlement patterns, and subsistence strategies of the aboriginal occupants of the area."

Since no initial construction impacts have been proposed to this site, no further evaluation has been performed.

This site was discussed in *Environmental Assessment for Source Material License SUA-1350, Renewal for Operations and Amendment for the Reclamation Plan (Revision 1)* (U.S. Nuclear Regulatory Commission, 1999). This document acknowledged the cultural resource site and required no immediate further work, stating:

"The State Historic Preservation Office (SHPO) reviewed Pronghorn's 1993 results and determined that the documentation "meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation," and recommended that additional testing be done on area 48W9829 if it could be impacted by construction activities (SHPO, 1993). The letter indicated that eligibility of the site remain unevaluated until then. In addition, KUC is required by license condition to perform an archeological survey and obtain approval before disturbing any previously unsurveyed areas, and to cease work if buried cultural deposits are unearthed until approval to proceed is granted by the NRC and SHPO."

and:

Based on the license condition and commitments made by the licensee, the NRC staff considers that historical and cultural resources will be protected from destruction or disruption by the proposed activities.

It appears to us that this previous NRC conclusion is no longer the case and the agency believes that the site requires additional protection. The license condition discussed in the Environmental Assessment (EA) is License Condition 9.8, which states:

9.8 The licensee shall have an archeological survey performed prior to disturbing any previously unsurveyed areas. Such surveys shall be submitted to the NRC and the State Historic Preservation Office (SHPO) for review and approval. No such disturbance shall occur until authorization to proceed has been granted by the NRC and SHPO. In addition, all work in the immediate vicinity of any buried cultural deposits unearthed during the disturbance of land shall cease until approval to proceed has been granted by the NRC and SHPO.

In order to fully resolve this request, Kennecott Uranium Company requests that License Condition 9.8 be revised to read as follows:

*9.8 The licensee shall have an archeological survey performed prior to disturbing **either** any previously unsurveyed areas **or previously surveyed areas containing a site determined to be potentially eligible for inclusion in the National Register of Historic Places.** Such surveys shall be submitted to the NRC and the State Historic Preservation Office (SHPO)*

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The text proposed to be added to License Condition 9.8 is depicted in bold font.

REFERENCES

- Shepherd Miller, Inc. (1994). *Revised Environmental Report*. Fort Collins, Colorado: ADAMS Accession # ML 081010327.
- U.S. Nuclear Regulatory Commission. (1999). *Environmental Assessment For Source Material License SUA-1350, Renewal for Operations and Amendment for the Reclamation Plan (Revision 1)*. Nuclear Regulatory Commission. Washington: ADAMS Accession # ML 081500512.

RAI No. 2

By letter dated February 12, 2016 (Agencywide Documents and Management System Accession Number ML16028A179), the NRC staff requested information related to no-action alternative. In response KUC provided the November 2016 revised ER, however the information provided was insufficient. KUC provided a number of "alternatives" as the no-action alternative. But with respect to the consideration of impacts associated with the denial of the requested license renewal and the initiation of decommissioning activities, the ER contains no discussion of impacts. Please describe the environmental impacts and associated activities that KUC would undertake in such circumstances.

RESPONSE:

Kennecott is submitting with this response report a complete document as a revised Supplemental Environmental Report, prepared by Telesto Solutions, Inc. and dated January 2018, for the Sweetwater Uranium Project, License SUA-1350. This January 2018 revision redefines the no-action alternative as follows:

The condition beginning with the denial of Kennecott's request for renewal of the currently active license, and commencing with decommissioning activities by Kennecott.

The January 2018 revision compares the no-action alternative as defined above in summary form in Table 2-1 and in greater detail in Section 4.0, Environmental Impacts. The January 2018 revision also provides revisions to fully update it (over a year has passed since it was submitted) and clarifications to portions of text where required. All changes in the document are highlighted in yellow. Correspondingly, any text not highlighted has not been modified.



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