



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

November 26, 2019

Mr. Richard Begay
Tribal Historic Preservation Officer
The Navajo Nation
Heritage and Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

**SUBJECT: TRANSMITTAL OF INFORMATION RELATED TO SECTION 106
CONSULTATION FOR THE PROPOSED TRANSFER OF MINE WASTE FROM
THE NORTHEAST CHURCH ROCK MINE SITE TO THE UNITED NUCLEAR
CORPORATION CHURCH ROCK MILL SITE (DOCKET NO.: 40-8907)**

Dear Mr. Begay:

By letter dated April 30, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff initiated the National Historic Preservation Act (NHPA) Section 106 consultation concerning the NRC staff's review of an application from United Nuclear Corporation (UNC) to amend its NRC license (SUA-1475) to excavate approximately 1 million cubic yards of mine waste from the Northeast Church Rock (NECR) Mine Site and dispose of it at the adjacent UNC Mill Site in Gallup, New Mexico (the proposed action). This letter describes NRC's proposed direct and indirect areas of potential effect (APE) and identify historic properties for this project. Additionally, the NRC is requesting the Navajo Nation's ideas and views regarding historic and cultural resources associated with the project.

As defined in Title 36 of the *Code of Federal Regulations* Paragraph 800.15(d), the APEs are the geographic areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The NRC staff has delineated a direct and an indirect APE that may be affected by construction of the disposal site at the UNC Mill Site, transfer of mine waste from the NECR Mine Site to the UNC Mill Site, and closure of the disposal site once transfer activities are complete. 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 341 acres. 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. A map of the direct and indirect APE is provided in Enclosure 1. Enclosure 2 is a map showing previously identified cultural resources within the project area. Several Class III Cultural Resource Inventory Reports are provided as Enclosure 3 for your review and consideration. Please note that the enclosed documents contain confidential information, and disclosure is limited under the NHPA.

As part of our environmental review, the NRC staff is interested in learning of any areas that may have traditional, religious, or cultural significance to the Navajo Nation that could potentially be affected by the proposed action. The NRC staff requests that you provide, within 30 days of receipt of this letter, your ideas and views regarding historic and cultural resources pertaining to this project.

In addition, please note that the NRC staff will hold a webinar on December 2, 2019, at 3:00pm EST, to provide an overview of the NRC's Section 106 process as it pertains to this project. We will contact you soon to provide instructions on how to participate in the webinar.

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. However, enclosures contained in this letter are considered official use only and will be withheld from public inspection.

If you have any questions or need additional information on the proposed UNC Mill Site project, please contact the environmental Project Manager, Ms. Ashley Waldron. Ms. Waldron can be reached at (301) 415-7317 or via e-mail at: Ashley.Waldron@nrc.gov.

Sincerely,

/RA/

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

Docket No. 40-8907
License No. SUA-1475

Enclosures:

1. APE map
2. Cultural resources location map
3. Class III cultural resource inventories

cc w/o encls.:
Ms. Melinda Arviso-Ciocco
Navajo Cultural Specialist

R. Begay

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DATED: November 26, 2019

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