February 27, 2008

Ms. Donna Rae Peterson
Tribal Historic Preservation Officer
Cheyenne River Sioux Tribal Council
P.O. Box 590
Eagle Butte, SD 57625

SUBJECT: SECTION 106 CONSULTATION FOR COGEMA MINING, INC., REQUEST TO CHANGE FROM DECOMMISSIONIING AND RESTORATION STATUS TO OPERATING STATUS

Dear Ms. Peterson:

The U.S. Nuclear Regulatory Commission (NRC) has received a request from COGEMA Mining, Inc. (COGEMA) to amend its NRC Materials License SUA-1341 to revert to an operating (uranium production) status from the current restoration and decommissioning status. NRC is requesting your input on COGEMA's return to operating status because the site is located approximately 2 miles due west of North Butte of the Pumpkin Buttes, a recently designated Traditional Cultural Property. If this amendment is approved, COGEMA will be allowed to restart uranium production operations that ceased in 2001, and would only be authorized to conduct operations that were previously evaluated by the NRC on June 30, 1998, when the license was last renewed. Since 2001, COGEMA has been conducting groundwater restoration at the facility. There are no changes in the licensed boundary.

The 1998 license renewal process included the preparation of an environmental assessment (EA), in which there was an evaluation of the potential effects of COGEMA operations on historic and cultural resources. The final determination of this evaluation, discussed in Section 2.7 of the 1998 EA (Enclosure 1), was that there would be no effects on historic or cultural properties. COGEMA has indicated that no additional historic properties or cultural properties are known to exist in the affected area outside of those already evaluated in 1998 and, if the amendment request were approved, there would be no additional activities authorized beyond what has been previously evaluated. Additionally, the cultural and historic resource mitigation measures COGEMA previously agreed to (as discussed in the 1998 EA) would be maintained with the amended license.

After a review of the potential impacts of the proposed action, we have determined that there are no additional historic or cultural properties within the area of potential effects that have not previously been evaluated, and as such, there will be no effects on historic or cultural properties. The supporting basis for this conclusion is the EA that was published in 1998, and the information from COGEMA that no additional cultural or historic properties are known to exist outside of those that have been previously evaluated. The Wyoming State Historic Preservation Office (SHPO) has agreed with the assessment (Enclosure 2). However, in a follow-up conversation, the SHPO has suggested that we contact Native American Indian Tribes that have interest in the Pumpkin Buttes since the Buttes have recently been designated a Traditional Cultural Property.

If you have any questions, please contact me at 301-415-7777, or by e-mail to rcl1@nrc.gov. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 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 Web site at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

/RA/

Ron C. Linton
Uranium Recovery and Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-08502
License No.: SUA-1341

Enclosures:
1. Section 2.7 1998 Environmental Assessment, Cultural Resources Evaluation
2. Letter from J. Daniele (State Historic Preservation Office)

cc: G.Mooney (WYDEQ)
J. Daniele (WYSHPO)

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J. Daniele (WYSHPO)

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