April 23, 2010

Mr. Ivan Posey, Chairman
Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514

SUBJECT: REQUEST FOR INFORMATION REGARDING HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES POTENTIALLY AFFECTED BY THE PROPOSED NICHOLS RANCH ISR PROJECT IN CAMPBELL AND JOHNSON COUNTIES, WYOMING (Docket No. 040-09067) AND INVITATION TO BECOME A SIGNATORY TO ASSOCIATED MEMORANDUM OF AGREEMENT

Dear Mr. Posey:

On December 24, 2008, Mr. Gregory Suber of the U.S. Nuclear Regulatory Commission (NRC) contacted you to request information regarding tribal, historic, and cultural resources potentially affected by the proposed Nichols Ranch *In-Situ* Uranium Recovery (ISR) Project in Campbell and Johnson Counties, Wyoming. Uranerz Energy Corporation (Uranerz) submitted an application for this project by letter dated November 30, 2007, and the NRC's review of this application is ongoing.

As part of the Section 106 consultation under the National Historic Preservation Act for this project, the NRC intends to prepare a draft Memorandum of Agreement (MOA) between Uranerz, NRC, the State Historic Preservation Officer, the U.S. Bureau of Land Management, and the Wyoming State Attorney General's Office to mitigate impacts to cultural resources as a result of the proposed project.

There are a total of 11 sites that are eligible or recommended eligible for listing on the *National Register of Historic Places* within the area of potential effect. One site (48CA5391), a prehistoric lithic scatter is located within the proposed Nichols Ranch ISR Project site. The remaining 10 sites are located within the proposed Hank Unit site. Of these 10 sites, one is the multi-component Pumpkin Buttes Traditional Cultural Place (TCP) (48CA268), one is a multi-component prehistoric camp site with historic trash scatter (48CA6147), and eight are prehistoric sites (48CA6146, 48CA6148, 48CA6475, 48CA6490, 48CA6748, 48CA6751, 48CA6753, and 48CA6927). There will be no adverse effect to archaeological sites from the proposed action. Uranerz will avoid direct ground disturbing activities to these sites. Measures to protect these sites have been incorporated into Uranerz's project mine plan and incorporated into Wyoming Department of Environmental Quality/Land Quality Division permit applications.

Visual impacts associated with the proposed project to the Pumpkin Buttes TCP will be addressed in the MOA. The NRC requests any information regarding the Pumpkin Buttes TCP and assistance in developing the MOA. The NRC also invites you to be a signatory to the MOA. Other potential signatories include Uranerz (the applicant), the Bureau of Land Management, and the Wyoming State Historic Preservation Office.

Additional information concerning cultural and archaeological resources in the vicinity of the proposed project can be found in NRC's Draft Supplemental Environmental Impact Statement (DSEIS) for the Nichols Ranch ISR Project. The DSEIS is publicly available in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at http://www.nrc.gov/reading-rm/adams.html. The accession number for the DSEIS is ML093340536. The Nichols Ranch ISR Project license application is also publicly available in the PDR or from the ADAMS Public Electronic Reading Room. The accession number for the application is ML080080594.

Please submit any comments/information that you may have regarding cultural and archaeological resources that may be helpful in drafting an MOA within 30 days of the receipt of this letter to the NRC, Attn: Mr. Kevin Hsueh, Mail Stop T-8F05, Washington, DC 20555. If you have any questions, please contact Ms. Briana Balsam of my staff by telephone at 301-415-1042 or by email at Briana.Balsam@nrc.gov. Additionally, if you would like to become a signatory to the MOA, please include this request with your comments. Thank you for your assistance.

Sincerely,

/RA/

Kevin Hsueh, Branch Chief
Environmental Review Branch-B
Environmental Protection and
Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09067

cc: Arlen Shoyo

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Sincerely,

Kevin Hsueh, Branch Chief
Environmental Review Branch-B
Environmental Protection and
Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09067

cc: Arlen Shoyo

IDENTICAL LETTERS SENT TO ATTACHED LIST

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OFC	EPPAD/ERB-B	EPPAD/ERB-B	EPPAD/ERB-B	OGC	EPPAD/ERB-B
NAME	BBalsam	JDavis	AWalker-Smih	JOlmstead	KHsueh
DATE	3/30/10	4/6/10	4/8/10	4/19/10	4/23/10

OFFICIAL RECORD COPY

Eastern Shoshone Tribe

To: Mr. Ivan Posey, Chairman
Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514

cc: Mr. Arlen Shoyo
Shoshone Tribal Historical Preservation Officer
Shoshone Oil & Gas Commission
P.O. Box 538
Fort Washakie, WY 82514

Northern Arapho Tribe

To: Mr. Richard Brannan, Chairman
Arapaho Tribal Business Council
P.O. Box 396
Fort Washakie, WY 82514

cc: Ms. Darlene Conrad
Arapaho Tribal Preservation Officer
P.O. Box 1184
Fort Washakie, WY 82514

Northern Cheyenne Tribe

To: Leroy Spang, President
Northern Cheyenne Tribal Council
P.O. Box 128
Lame Deer, MT 59043

cc: Mr. Conrad Fisher
Tribal Historical Preservation Officer
P.O. Box 128
Lame Deer, MT 59043

Blackfeet Tribe

To: Mr. Willie A. Sharp, Chairman
Blackfeet Tribal Business Council
P.O. Box 850
Browning, MT 59417

cc: Mr. John Murray
Blackfeet Tribal Historical Preservation Officer
P.O. Box 850
Browning, MT 59417

Three Affiliated Tribes

To: Mr. Marcus D. Wells Jr., Chairman
Three Affiliated Tribes Business Council
404 Frontage Rd.
New Town, ND 58763

cc: Mr. Perry Brady
Three Affiliated Tribes Tribal Historical Preservation Officer
404 Frontage Rd.
New Town, ND 58763

Ft. Peck Assiniboine/Sioux Tribe

To: Mr. A.T. Stafne, Chairman
Ft. Peck Tribal Executive Board
P.O. Box 1027
Poplar, MT 59255

cc: Darrell "Curley" Youpee, Director
Ft. Peck Tribal Cultural Resources Director
Fort Peck Assiniboine and Sioux Tribes
P.O. Box 1027
Poplar, MT 59255

Oglala Sioux

To: Mr. John Yellow Bird Steele, President
Oglala Sioux Tribal Council
P.O. Box 2070
Pine Ridge, SD 57770

cc: Ms. Joyce Whiting
Oglala Sioux Tribal Historic Preservation Officer
P.O. Box 2070
Pine Ridge, SD 57770

Crow – Tribe

To: Mr. Carl Venne
Crow Tribal Council
P.O. Box 159
Crow Agency, MT 59022

cc: Mr. Dale Old Horn
Crow Tribalal Cultural Resources
P.O. Box 159
Crow Agency, MT 59022

Cheyenne River Sioux Tribe

To: Mr. Joseph Brings Plenty, Sr.
Cheyenne River Sioux Tribal Council
P.O. Box 590
Eagle Butte, SD 57625

cc: Ms. Donna Rae Peterson
Tribal Historical Preservation Officer
P.O. Box 590
Eagle Butte, SD 57625