September 19, 2010

Don Tofpi, Chairman
Kiowa Indian Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

SUBJECT: INVITATION FOR FORMAL SECTION 106 CONSULTATION UNDER NATIONAL HISTORIC PRESERVATION ACT AND REQUEST FOR INFORMATION REGARDING HISTORIC AND CULTURAL RESOURCES REGARDING THE CROW BUTTE RESOURCES, INC. PROPOSED NORTH TREND EXPANSION AREA IN-SITU RECOVERY FACILITY IN DAWES COUNTY, NEBRASKA

Dear Chairman Tofpi:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Crow Butte Resources, Inc. (CBR) for an amendment to source materials license SUA-1534 to permit CBR to construct and operate an *in-situ* recovery facility at the North Trend Expansion Area in Dawes County, Nebraska. The facility, if licensed, would use an *in-situ* recovery technology to extract uranium at the North Trend Expansion Area site. The proposed project area consists of approximately 2,110 acres located approximately 4.5 miles northwest of the current CBR facility, which is situated approximately 4 miles southeast of the City of Crawford in Dawes County in Nebraska. A map showing the proposed project boundary is enclosed.

The area of potential effect on cultural resources within the North Trend Expansion Area is the 1,190-acre area of anticipated development. Three historic sites and three isolated prehistoric artifacts were located and identified in a cultural resource survey submitted by CBR.

In accordance with Section 106 of the National Historic Preservation Act, as well as the National Environmental Policy Act (NEPA), 36 CFR 800.8(c), the NRC invites the Kiowa Indian Tribe of Oklahoma to be a consulting party. If the Kiowa Indian Tribe of Oklahoma would like to participate as a consulting party, please respond to this letter.

In regards to the proposed project, the NRC is also engaged in an environmental review pursuant to the National Environmental Policy Act. As part of the review, the NRC will conduct an analysis of potential impacts to historic and cultural properties. As such, the NRC is in the process of collecting information to facilitate the identification of historic sites or cultural resources that could be affected by the proposed action. Specifically, are there any areas on the North Trend Expansion Area site that the Kiowa Indian Tribe of Oklahoma believes have cultural significance?

The Crow Butte Resources North Trend Expansion Area Project license application is publicly available in the NRC's Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agency Wide 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 numbers for the Crow Butte Resources application including the Environmental report are ML071870300, ML071870302, and ML071870307, and these reports are available online through ADAMS.

Please submit the Kiowa Indian Tribe of Oklahoma request to be a consulting party as well as any information that the Kiowa Indian Tribe of Oklahoma may have regarding this environmental review within 30 days of the receipt of this letter to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, DC 20555. If you have any questions or comments, or need any additional information, please contact Mr. Nathan Goodman of my staff by telephone at 301-415-2703, or email at Nathan.Goodman@nrc.gov.

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. 40-8943

Enclosure: Figure 1-1

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Kevin Hsueh, Branch Chief
Environmental Review Branch B
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Docket No. 40-8943

Enclosure: Figure 1-1

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OFC	DWMEP	DWMEP	DWMEP	OGC	DWMEP
NAME	NGoodman	AWalker-Smith	JDavis	BKlukan	KHseuh
DATE	06/22/10	06/23/10	07/29/10	08/19/10	09/15/2010

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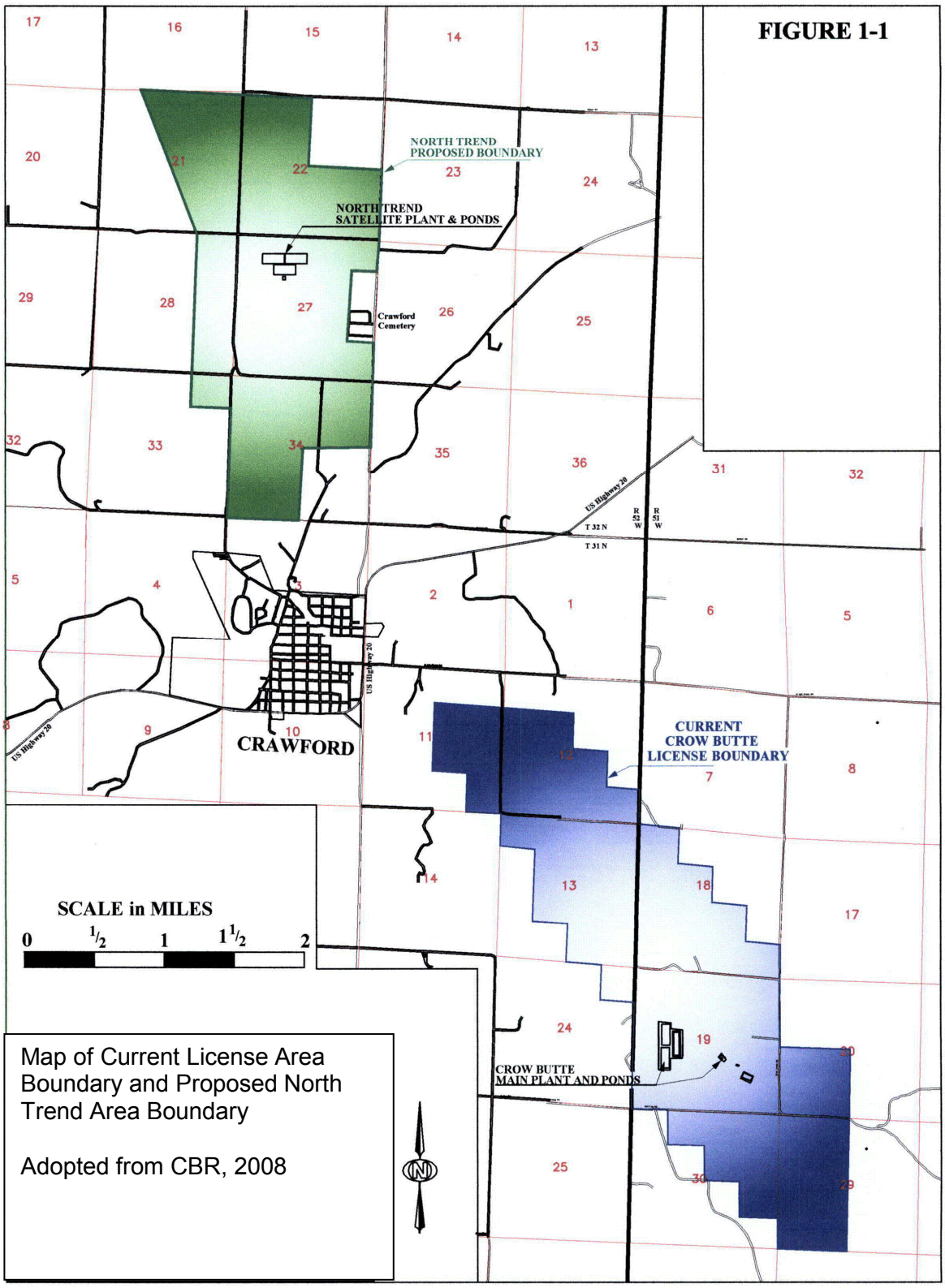

Map of Current License Area Boundary and Proposed North Trend Area Boundary

Adopted from CBR, 2008