October 28, 2011

Mr. Lyman Guy
Apache Tribe of Oklahoma
P.O. Box 1220
Anadarko, OK 73005

SUBJECT: INFORMATION RELATED TO TRADITIONAL CULTURAL PROPERTIES; PERTAINING TO THE DEWEY-BURDOCK, CROW BUTTE NORTH TREND, AND CROW BUTTE LICENSE RENEWAL *IN-SITU* URANIUM RECOVERY PROJECTS

Dear Mr. Guy:

The U.S. Nuclear Regulatory Commission (NRC) staff wants to update your office on NRC's ongoing consultation activities, per Section 106 of the National Historic Preservation Act (NHPA), for the proposed Dewey-Burdock and Crow-Butte projects. In response to requests for a survey of traditional cultural properties (TCPs) raised by many Tribal representatives at the June 8, 2011, Information Gathering Meeting, the NRC staff has determined that further work is needed to identify properties of religious and cultural significance to the Tribes. The staff has asked the applicants to undertake studies and surveys to provide the NRC with this information, as is permissible under 36 CFR § 800.2(c)(4).

Powertech (USA), Inc. and Cameco Resources, the respective applicants, have engaged the services of SRI Foundation (SRIF) of Rio Rancho, New Mexico to collect information concerning TCPs that may be located in the proposed Dewey-Burdock and Crow Butte project areas. Dr. Lynne Sebastian will direct these investigations for SRIF; Dr. Martha Graham will contact all consulting Tribes in the near future to develop a plan for gathering information. Attached to this letter are brief biographies of the SRIF lead researchers and a link to the SRIF website.

The NRC remains the lead in carrying out Tribal consultation efforts for both projects, pursuant to its obligation under the regulations of 36 CFR Part 800. Although the NRC has authorized the applicants and, thereby, SRIF, acting on the behalf of the applicants, to contact Tribes to obtain needed information, the NRC, nonetheless, remains legally responsible for all findings and determinations and for maintaining government-to-government relationships with the involved Indian Tribes. In keeping with that, the NRC staff will continue to be involved in consultation activities and will coordinate with SRIF and the Tribes, as necessary, to facilitate SRIF's informational gathering efforts. With that said, the NRC staff invites your office and Tribal leadership to work with SRIF as they reach out to you regarding the Apache Tribe of Oklahoma. Specifically:

- SRIF will contact all Tribes to determine: (1) if Tribes are interested in participating in field visits and ethnographic interviews, or (2) if the Tribes wish to conduct their own research, with facilitation provided by SRIF. If your office requests the services of an ethnographer or ethno-historian, SRIF will arrange for those services.

- SRIF will coordinate with the NRC, the United States Bureau of Land Management (BLM) (for the proposed Dewey Burdock project), State Historic Preservation Officers (SHPOs), and interested Tribes to adjust boundaries of the area of potential effects (APE) if discussions with Tribes indicate that historic properties outside project boundaries may be affected.

- SRIF will assemble information gathered from interested Tribes, ethnographers, and ethno-historians, prepare preliminary eligibility recommendations for TCPs identified in the proposed Crowe Butte and Dewey-Burdock APEs, and submit the information to the NRC for consideration.

- NRC will review all information and comments provided by consulting parties and will apply the criteria of adverse effect found in 36 CFR § 800.5(a). Based on its review of the information, the NRC will prepare determinations concerning the effects of *in-situ* recovery development activities on eligible or listed historic properties within the APEs.

- The NRC will consult with SHPOs and Tribes, and BLM (when properties are located on BLM-managed lands) on the effect determinations before finalizing its position on such.

- If the NRC determines there are adverse effects to historic properties, the NRC will consult further with interested parties to develop methods to resolve adverse effects.

The NRC staff understands that information provided to SRIF and/or the NRC staff may be sensitive in nature and, as such, you may want the NRC and SRIF to treat provided information as confidential. Both the NRC and SRIF will protect any information identified as confidential, in accordance with 36 CFR § 800.11(c).

If you have any questions or have comments regarding this letter, please contact the following members of my staff: Ms. Haimanot Yilma (via email at Haimanot.Yilma@nrc.gov. or via phone at 301-415-8029), or Mr. Nathan Goodman (via email at Nathan.Goodman@nrc.gov. or via phone at 301-415-2703).

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 Nos. 40-8943, 40-9075

Enclosure: SRIF Biographies

cc: See Next Page

cc: With Enclosures:

Mr. John Schmuck
Cameco Resources
202 Carey Avenue, Suite 600
Cheyenne, WY 82001

Mr. Richard E. Blubaugh
Vice President of Environmental Health
and Safety Resources
Powertech (USA), Inc.
5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111

Mr. Louis Maynahonah, Chairman
Apache Tribe of Oklahoma
P.O. Box 1220
Anadarko, OK 73005

Ms. Jill Dolberg
Nebraska State Historical Society
P.O. Box 82554
1500 R Street
Lincoln, NE 68501

Ms. Paige Olson
Review and Compliance Coordinator
South Dakota Historic Society
900 Governors Drive
Pierre, SD 57501

- SRIF will coordinate with the NRC, the United States Bureau of Land Management (BLM) (for the proposed Dewey Burdock project), State Historic Preservation Officers (SHPOs), and interested Tribes to adjust boundaries of the area of potential effects (APE) if discussions with Tribes indicate that historic properties outside project boundaries may be affected.

- SRIF will assemble information gathered from interested Tribes, ethnographers, and ethno-historians, prepare preliminary eligibility recommendations for TCPs identified in the proposed Crowe Butte and Dewey-Burdock APEs, and submit the information to the NRC for consideration.

- NRC will review all information and comments provided by consulting parties and will apply the criteria of adverse effect found in 36 CFR § 800.5(a). Based on its review of the information, the NRC will prepare determinations concerning the effects of *in-situ* recovery development activities on eligible or listed historic properties within the APEs.

- The NRC will consult with SHPOs and Tribes, and BLM (when properties are located on BLM-managed lands) on the effect determinations before finalizing its position on such.

- If the NRC determines there are adverse effects to historic properties, the NRC will consult further with interested parties to develop methods to resolve adverse effects.

The NRC staff understands that information provided to SRIF and/or the NRC staff may be sensitive in nature and, as such, you may want the NRC and SRIF to treat provided information as confidential. Both the NRC and SRIF will protect any information identified as confidential, in accordance with 36 CFR § 800.11(c).

If you have any questions or have comments regarding this letter, please contact the following members of my staff: Ms. Haimanot Yilma (via email at Haimanot.Yilma@nrc.gov. or via phone at 301-415-8029), or Mr. Nathan Goodman (via email at Nathan.Goodman@nrc.gov. or via phone at 301-415-2703).

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 Nos. 40-8943, 40-9075
Enclosure: SRIF Biographies
cc: See Next Page
DISTRIBUTION: BVonTill/URLB RBurrows/URLB SCohen/URLB

**ML112990274**

| **OFC** | DWMEP | DWMEP | DWMEP | DWMEP | OGC | OGC | DWMEP |
|---|---|---|---|---|---|---|---|
| **NAME** | JDavis | HYilma | NGoodman | AWalker-Smith | BKlukan | PJehle/M.Clark | KHseuh |
| **DATE** | 10/10/11 | 10/14/11 | 10/ 25/11 | 10/25/11 | 10/25/11 | 10/25/11 | 10/28/11 |

**OFFICIAL RECORD COPY**