

## StrataRossLAPem Resource

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**From:** Moore, Johari  
**Sent:** Wednesday, May 23, 2012 4:36 PM  
**To:** 'Ben Schiffer'  
**Cc:** Saxton, John; Waldron, Ashley  
**Subject:** PERIODIC STATUS UPDATE ON NEPA AND NHPA SECTION 106 CONSULTATION  
ACTIVITIES FOR PROPOSED URANIUM RECOVERY PROJECTS  
**Attachments:** ML120930125.pdf; ML120930124.pdf; ML120930129.pdf; ML12139A168.pdf

Ben,

The subject correspondence is now publicly available in ADAMS. I've attached one example letter and the three enclosures. If you have some time this week, I'd like to give you a call clarify the purpose of this periodic correspondence.

Thanks,

Johari A. Moore  
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U.S. Nuclear Regulatory Commission  
FSME/DWMEP/Environmental Review Branch  
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**Hearing Identifier:** StrataEnergyRoss\_LA\_Public  
**Email Number:** 349

**Mail Envelope Properties** (2BE05B77CE8C0F4B976DC472236ABD3403A3A77A03)

**Subject:** PERIODIC STATUS UPDATE ON NEPA AND NHPA SECTION 106  
CONSULTATION ACTIVITIES FOR PROPOSED URANIUM RECOVERY PROJECTS  
**Sent Date:** 5/23/2012 4:36:07 PM  
**Received Date:** 5/23/2012 4:36:00 PM  
**From:** Moore, Johari

**Created By:** Johari.Moore@nrc.gov

**Recipients:**  
"Saxton, John" <John.Saxton@nrc.gov>  
Tracking Status: None  
"Waldron, Ashley" <Ashley.Waldron@nrc.gov>  
Tracking Status: None  
"Ben Schiffer" <bschiffer@wwcengineering.com>  
Tracking Status: None

**Post Office:** HQCLSTR02.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	560	5/23/2012 4:36:00 PM
ML120930125.pdf	96149	
ML120930124.pdf	91202	
ML120930129.pdf	85546	
ML12139A168.pdf	87609	

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

**Powertech, Inc. License Application for a Uranium Recovery Project  
near Edgemont, South Dakota**

**Proposed Action**

**New License Application**

On August 10, 2009, Powertech, Inc. (Powertech) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a source materials license to construct and operate an *in-situ* uranium recovery (ISR) facility at the proposed Dewey-Burdock project site located near Edgemont, South Dakota in Fall River and Custer Counties. The NRC staff accepted Powertech's license application for detailed technical review on October 2, 2009. The facility, if licensed, would use ISR technology to extract uranium. The proposed project area consists of approximately 10,580 acres (4,282 ha) located on both sides of Dewey Road (County Road 6463).

For additional information regarding the proposed action, Powertech's license application is publicly available 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 number for the environmental portion of Powertech's source materials application is ML092870345, and is available online through ADAMS, or directly at the project's web page; <http://www.nrc.gov/materials/uranium-recovery/license-apps/dewey-burdock.html>.

**NEPA Review Schedule**

The NRC staff is preparing a supplemental environmental impact statement (SEIS) to the *Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities, Volumes 1 and 2* (NUREG-1910) for the Powertech license application, which analyses impacts to historic properties and cultural resources. The timeline for the Dewey-Burdock Project environmental review is provided below.

Environmental Review: Dewey Burdock	Date
Draft SEIS Issued	August 2012
Final SEIS Issued	Between January 2013 – May 2013
Licensing Action Completed	Between February 2013 – June 2013

## **NHPA Section 106 Review**

### **A. Recent Past Activities**

The NRC staff is currently identifying historic properties and cultural resources in consultation with Tribes. The NRC staff initiated the NHPA Section 106 consultation process with Tribal leaders by letters dated March 19, 2010. The following is a summary of NRC's recent consultation activity:

- The NRC staff conducted an information-gathering meeting with THPOs on the Pine Ridge Reservation - June 8, 2011.
- The NRC staff conducted a site visit of the proposed Powertech Dewey-Burdock project - June 9, 2011 with THPOs and other Tribal representatives.
- The NRC staff requested the applicant to provide additional information on historic properties of religious and cultural significance within the areas of potential effects for the proposed action.
- The NRC staff distributed copies of the official transcript of the information-gathering meeting to each Tribe on October 20, 2011, along with copies of the un-redacted version of the archaeological survey, submitted as part of the license application.
- The NRC staff conducted a Tribal consultation meeting on February 14-15, 2012, in Rapid City, South Dakota, to hear the views of interested Tribes about the general types, descriptions, identification, and evaluation of historic properties of religious and cultural significance that may be affected by the proposed actions.
  - Tribes expressed an interest in first developing a confidentiality agreement before submitting any studies containing information on historic properties of religious and cultural significance to the NRC, or the applicant.
  - Tribal Representatives asked that in future meeting invitations, the NRC indicate whether the attendance of Tribal leadership is requested.
  - Tribal Representatives volunteered to develop a project-specific Statement of Work (SOW) to identify historic properties of religious and cultural significance on the proposed Dewey-Burdock project.
  - Tribal Representatives requested a face-to-face meeting on March 14 and 15, 2012 to discuss the applicant's draft SOW for the project. The meeting was cancelled at the request of Tribal Representatives because of schedule conflicts.
- The NRC staff consulted via teleconference with eight Tribes on April 24, 2012. Survey methodologies to be used by Tribes participating in the identification of properties of religious and cultural significance at the Dewey-Burdock Site, the Crow Butte Site, and the North Trend Expansion Site were discussed. The SOWs prepared by the applicant for the evaluation of each of the project sites were presented and discussed

## B. Future Activities

The staff has scheduled completion of its Section 106 review in January 2013 and issuance of the Final SEIS between January and May 2013. In order to meet the schedule, the identification of these historic properties will need to begin in the summer 2012 and be completed by fall 2012.

## C. Schedule

NHPA Section 106 Review: Dewey Burdock	Date
Tribal Representatives Site Study for Identification of Historic Properties of Religious and Cultural Significance at the Dewey-Burdock Project Site	July 2012
Section 106 Review Completed	January 2013

For questions about this summary, or for additional information about the Dewey-Burdock Project, please contact Ms. Haimanot Yilma, Project Manager, at (301) 415-8029, or at [Haimanot.Yilma@nrc.gov](mailto:Haimanot.Yilma@nrc.gov).

## **Crow Butte Resources, Inc. License Applications for Uranium Recovery Projects in Dawes County, Nebraska**

### **Proposed Actions**

#### **License Renewal Application**

On November 27, 2007, Crow Butte Resources, Inc. (CBR) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for the renewal of NRC source materials license SUA-1534 for CBR to continue operation of an *in-situ* uranium recovery (ISR) facility for an additional 10 years. NRC staff accepted CBR's license renewal application for detailed technical review on March 28, 2008.

#### **North Trend Expansion**

On May 30, 2007, the NRC received an application from CBR to amend materials license SUA-1534 to construct and operate an ISR facility at the North Trend Expansion Area. The NRC staff accepted CBR's North Trend Expansion Area license amendment application for detailed technical review on August 28, 2007. The proposed North Trend Expansion project area consists of approximately 2,110 acres located approximately 4.5 miles northwest of the current CBR ISR facility, which is located approximately four miles southeast of the City of Crawford.

For additional information, CBR's license applications are publicly available 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 CBR's license renewal application are ML073480267, ML073480266, and ML073470645. The accession numbers for CBR's North Trend Expansion application are ML071870300, ML071870302, and ML071870307. Information about the proposed actions can also be found in the project's web page at <http://www.nrc.gov/info-finder/materials/uranium/licensed-facilities/crow-butte.html>.

### **NEPA Review Schedule**

The NRC staff is preparing an environmental assessment (EA) for the Cameco license renewal, which will include analyses of impacts to historic properties and cultural resources. The timeline for the Crow Butte Project environmental review is provided below.

Environmental Review: License Renewal	Date
Draft EA Issued	September 2012
Final EA Issued	November 2012
Licensing Action Completed	December 2012

The NRC staff is preparing an EA for Cameco license application to expand their current operations to the North Trend area, Northwest of the Crow Butte site. The EA will include analyses of impacts to historic properties and cultural resources. The timeline for the North Trend Project environmental review is provided below.

Environmental Review: North Trend	Date
Draft EA Issued	September 2012
Final EA Issued	November 2012
Licensing Action Completed	December 2012

### **NHPA Section 106 Review**

#### **A. Recent Past Activities**

The NRC staff is currently identifying historic properties and cultural resources in consultation with Tribes. The NRC staff initiated the NHPA Section 106 consultation process with Tribal leaders by letters dated March 19, 2010. The following is a summary of NRC's recent consultation activity:

- The NRC staff conducted an information-gathering meeting with THPOs on the Pine Ridge Reservation - June 8, 2011.
- The NRC staff conducted a site visit of the proposed Crow Butte License Renewal and Crow Butte North Trend Expansion projects - June 7, 2011 with THPOs and other Tribal representatives.
- The NRC staff distributed copies of the official transcripts of the information-gathering meeting to each Tribe on October 20, 2011, along with an un-redacted version of the archaeological surveys, submitted as part of each of the license applications.
- The NRC staff conducted a Tribal consultation meeting on February 14-15, 2012, in Rapid City, South Dakota, to hear the views of interested Tribes about the general types, descriptions, identification, and evaluation of historic properties of religious and cultural significance that may be affected by the proposed actions.
  - Tribes expressed an interest in first developing a confidentiality agreement before submitting any studies containing information on historic properties of religious and cultural significance to the NRC, or the applicant.
  - Tribal Representatives asked that in future meeting invitations, the NRC indicate whether the attendance of Tribal leadership is requested.
  - Tribal Representatives volunteered to develop project-specific Statements of Work (SOWs) to identify historic properties of religious and cultural significance on the proposed Crow Butte License Renewal and Crow Butte North Trend Expansion projects.

- Tribal Representatives requested a face-to-face meeting on March 14 and 15, 2012 to discuss the applicant's draft SOW for the project. The meeting was cancelled at the request of Tribal Representatives because of schedule conflicts.
- The NRC staff consulted via teleconference with eight Tribes on April 24, 2012. Survey methodologies to be used by Tribes participating in the identification of properties of religious and cultural significance at the Dewey-Burdock Site, the Crow Butte Site, and the North Trend Expansion Site were discussed. The SOWs prepared by the applicant for the evaluation of each of the project sites were presented and discussed

## B. Future Activities

Staff has scheduled completion of its Section 106 reviews and issuance of the Final EAs in October 2012 for the Crow Butte North Trend project and in November 2012 for the Crow Butte License Renewal project. In order to meet the schedules, the identification of these historic properties will need to begin the summer 2012, and be completed by fall 2012.

## C. Schedule

NHPA Section 106 Review: License Renewal	Date
Tribal Representatives Site Study for Identification of Historic Properties of Religious and Cultural Significance at the Crow Butte License Renewal Project Site	July 2012
Section 106 Review Completed	November 2012

NHPA Section 106 Review: North Trend	Date
Tribal Representatives Site Study for Identification of Historic Properties of Religious and Cultural Significance at the Crow Butte North Trend Expansion Project Site	July 2012
Section 106 Review Completed	November 2012

For questions about this summary, or for additional information about the Crow Butte Projects, please contact Mr. Nathan Goodman, Project Manager, at (301) 415-2703 or at [Nathan.Goodman@nrc.gov](mailto:Nathan.Goodman@nrc.gov).



## Strata Energy, Inc. License for a Uranium Recovery Project in Crook County, Wyoming

### Proposed Action

#### New License Application

On January 4, 2011, Strata Energy, Inc. (Strata) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a source materials license to construct and operate the proposed Ross Project, an *in-situ* uranium recovery (ISR) facility to be located in Crook County, Wyoming. The NRC staff accepted Strata's license application for detailed technical review on June 28, 2011. The facility, if licensed, would use an ISR technology to extract uranium at the 1,721-acre project site located adjacent to the ranching community of Oshoto, approximately 21.5 miles north of Moorcroft on County Route 68 (D Road).

For additional information regarding the proposed action, Strata's license application is publicly available 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 number for Strata's source materials application is ML110120063 and the application is also available online directly from the project's web page at <http://www.nrc.gov/materials/uranium-recovery/license-apps/ross.html>.

### NEPA Review Schedule

The NRC staff is preparing a supplemental environmental impact statement (SEIS) to the *Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities Volumes 1 and 2* (NUREG-1910) for the Strata license application, which will include analyses of impacts to historic properties and cultural resources. The timeline for the Ross Project environmental review is provided below.

Environmental Review: Strata Ross	Date
Draft SEIS Issued	January 2013
Final SEIS Issued	November 2013
Licensing Action Completed	December 2013

### NHPA Section 106 Review

#### **A. Recent Past Activities**

The NRC staff is currently in the process of identifying historic properties and cultural resources with Tribes. The NRC staff initiated the NHPA Section 106 consultation process by letter dated February 9, 2011. Additional key Section 106 consultation activities for the Ross Project are listed below.

- The NRC staff conducted site visits of the proposed Strata Ross Project - September 13, 2011 and November 2, 2011.
- The NRC staff conducted Section 106 consultation meetings - September 14, 2011 and November 3, 2011.

- The NRC staff distributed copies of the official transcripts of the two consultation meetings to each Tribe on December 22, 2011, along with the un-redacted version of the Class III Cultural Resources Inventory, updated from the license application.

### **B. Future Activities**

- The NRC staff plans to consult with Tribes on the parameters of a survey for historic properties of religious and cultural significance at the Ross Project within the areas of potential effects during spring/summer 2012.
- The NRC staff plans to allow Tribes an opportunity to visit the Ross Project site in order to conduct a site walkover to identify historic properties of religious and cultural significance during summer 2012.
- After identifying historic properties, the NRC staff will assess effects to historic properties of religious and cultural significance in consultation with the consulting parties during the summer or fall 2012.

### **C. Schedule**

NHPA Section 106 Review: Strata Ross	Date
Tribal Representatives Site Study for Identification of Historic Properties of Religious and Cultural Significance at the Ross Project Site	Summer 2012
Section 106 Review Completed	April 2013

For questions about this summary, or for additional information about the Ross Project, please contact Ms. Johari Moore, Project Manager, at (301) 415-7694 or at [Johari.Moore@nrc.gov](mailto:Johari.Moore@nrc.gov).

May 23, 2012

Mr. Kevin Keckler, Chairman  
Cheyenne River Sioux Tribe  
P.O. Box 590  
Eagle Butte, SD 57625-0590

SUBJECT: PERIODIC STATUS UPDATE ON NATIONAL ENVIRONMENTAL POLICY ACT  
AND NATIONAL HISTORIC PRESERVATION ACT SECTION 106  
CONSULTATION ACTIVITIES FOR PROPOSED URANIUM RECOVERY  
PROJECTS

Dear Chairman Keckler:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing license applications for proposed uranium *in-situ* recovery (ISR) projects. As part of its detailed technical reviews for each of the projects, the NRC staff is preparing environmental documents in accordance with *Title 10 of the Code of Federal Regulations Part 51*, which implements the requirements of the National Environmental Policy Act of 1969 (NEPA).

As stated in prior correspondence, the NRC staff plans, to the extent possible, to coordinate its NEPA review with its obligations under Section 106 of the *National Historic Preservation Act of 1966* (NHPA). This approach is consistent with 36 CFR Part 800.8 "*Coordination with the National Environmental Policy Act.*" As part of its NEPA review, NRC staff will analyze impacts to historic properties and cultural resources, including properties and resources that may be of religious and cultural significance to federally recognized Indian Tribes. The NRC staff will also make all findings and determinations required under NHPA regulations.

The NRC staff recognizes the special relationship that exists between Tribal governments and the Federal government. To facilitate government-to-government consultation, with this letter the NRC staff is providing updates for proposed actions in which your Tribe may have an interest.

Enclosed is a status summary for each of the uranium ISR applications that are presently being reviewed by the NRC staff. The summary describes: (1) the Proposed Action; (2) the NEPA Review Schedule; and (3) the NHPA Section 106 Review.

The NRC appreciates the opportunity to consult with you on issues within the scope of the NHPA. The following individuals serve as NRC management representatives when meeting with Tribal leaders:

K. Keckler

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Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Andrew Persinko, Deputy Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Kevin Hsueh, Chief  
Environmental Review Branch  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Tribal Historic Preservation Officers (THPOs) and other Tribal staff may provide input to, and obtain additional information from, the project manager associated with each pending ISR application. The names of the project managers and their contact information are listed in the enclosed information. In addition, THPOs and other Tribal staff with questions about this letter or its enclosures may contact Mr. Alan Bjornsen, Tribal Point-of-Contact for Uranium Recovery Projects, at 301-415-1195 or [Alan.Bjornsen@nrc.gov](mailto:Alan.Bjornsen@nrc.gov).

Sincerely,

**/RA/ by B. VonTill for**

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosures:  
Proposed Project Update(s)

cc: Steve Vance, THPO  
Jill Dolbert, SHPO  
Jay Vogt, SHPO  
Mary Hopkins, SHPO  
Richard Blubaugh, EH&S  
John Schmuck, Cameco Resources  
Ben Schiffer, WWC Engineering

Larry W. Camper, Director  
 Division of Waste Management  
 and Environmental Protection  
 Office of Federal and State Materials  
 and Environmental Management Programs

Andrew Persinko, Deputy Director  
 Division of Waste Management  
 and Environmental Protection  
 Office of Federal and State Materials  
 and Environmental Management Programs

Kevin Hsueh, Chief  
 Environmental Review Branch  
 Division of Waste Management  
 and Environmental Protection  
 Office of Federal and State Materials  
 and Environmental Management Programs

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Sincerely,

**/RA/ by B. VonTill for**  
 Larry W. Camper, Director  
 Division of Waste Management  
 and Environmental Protection  
 Office of Federal and State Materials  
 and Environmental Management Programs

Enclosures:  
 Proposed Project Update(s)

cc: Steve Vance, THPO  
 Jill Dolbert, SHPO  
 Jay Vogt, SHPO  
 Mary Hopkins, SHPO  
 Richard Blubaugh, EH&S  
 John Schmuck, Cameco Resources  
 Ben Schiffer, WWC Engineering

**ML12139A170**

<b>OFC</b>	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP	DWMEP
<b>NAME</b>	ABjornsen	JTrefethen	AWalker-Smith	JDavis	JMoore	HYilma
<b>DATE</b>	04/02/12	04/02/12	04/02/12	04/03/12	04/03/12	04/04/12
<b>OFC</b>	DWMEP	OGC	DWMEP	DWMEP	DWMEP	
<b>NAME</b>	NGoodman	MClark for CScott	KHsueh	GSuber for APersinko	BVonTill for LCamper	
<b>DATE</b>	04/04/12	05/15/12	04/16/12	05/21/12	05/23/12	