

June 20, 2013

Mr. L. Robert Puschendorf
State Historic Preservation Officer
Nebraska State Historic Society
P.O. Box 82554
Lincoln, NE 68501

SUBJECT: REQUEST FOR CONCURRENCE FOR A FINDING OF NO HISTORIC PROPERTIES PRESENT FOR THE PROPOSED CROW BUTTE RESOURCES, INC. IN-SITU URANIUM RECOVERY LICENSE RENEWAL PROJECT, DAWES COUNTY, NEBRASKA

Dear Mr. Puschendorf:

By letter dated May 15, 2008 to the State Historic Preservation Office (SHPO), the U.S. Nuclear Regulatory Commission (NRC) initiated, pursuant to Section 106 of the National Historic Preservation Act (NHPA), a consultation process for the Crow Butte Resources Inc. (CBR) application to renew Source Materials License SUA-1534 for a standard 10-year period, including continued operation of the Crow Butte In-Situ Uranium Recovery (ISR) Project. This project is located near Crawford, Dawes County, Nebraska. Prior to NRC's initial issuance of this license to recover and process uranium by the in-situ leach mining process in 1988, the CBR ISR project area received an intensive Class III field inventory for archaeological and historic resources. The results of the cultural and historic resources reviews were analyzed in the original CBR project Environmental Assessment (EA) (1988) and again in a subsequent EA (1998) for the initial renewal of this license.

To supplement and to fulfill its responsibilities under Section 106 of the NHPA, the NRC staff initiated consultation with 21 potentially affected Native American Tribes by letter in October 2010. The principal objective of the consultation process was to identify potential historic properties of Tribal religious or cultural significance within the CBR ISR project area.

As part of the NRC ongoing efforts to identify historic properties of religious or cultural significance to Native American Tribes that could be affected by the renewal of CBR License SUA-1534, the NRC staff, by letter dated October 31, 2012, offered each consulting Tribe an opportunity to participate in a field study of the existing CBR ISR facility. Between November 14, 2012, and December 7, 2012, the currently licensed CBR area was open for field survey. Two of the consulting Native American Tribes accepted the invitation to conduct field surveys. Field crews from the Crow Nation and the Santee Sioux Nation completed their survey on December 7, 2012. A copy of the summary report is enclosed, as prepared by the Santee Sioux Nation Tribal Historic Preservation Office (THPO), with the concurrence of the Crow Nation THPO. This survey contains sensitive information and is a non-public document in accordance with the NHPA and Nebraska Revised Statutes, section 84-712.05.

The survey indicates that on November 17, 2012, the Crow Nation field crew conducted a field reconnaissance survey of the existing CBR ISR facility and concluded that past disturbances within the project area were such that it would not be practical or necessary to conduct further field inventory for potential places of Tribal religious or cultural significance at that project area. In conjunction with the field reconnaissance, examination of recent aerial imagery of the entire project area was performed to identify any areas with either no or minimal disturbance. No undisturbed areas were identified through this process. Past disturbances include intensive agricultural along with the physical effects of some 25 years of in-situ uranium mining actions throughout the project area. The Santee Sioux Nation THPO subsequently concurred with the initial judgment by the Crow Nation field crew that no further field inventory was necessary at the currently licensed CBR facility property.

The conclusions of this field evaluation, performed by two of the consulting Native American Tribes, is that the CBR ISR project area has received such extensive previous disturbances and that no further field identification effort is necessary. Based on this, the NRC staff requests concurrence from the Nebraska State Historic Preservation Office for a finding of no historic properties present for the renewal of the CBR license SUA-1534. This conclusion is further supported by the fact that as part of the ongoing NRC staff's concurrent National Environmental Policy Act (NEPA) review for the CBR ISR license renewal, extensive literature reviews and evaluation of previous cultural and historic resources data for the CBR ISR project area have not identified any historic properties within the project area. All of this information will be analyzed and summarized in the NRC staff's documentation of its NEPA review and when complete, that documentation will be provided to your office for review and comment.

For additional information regarding the proposed action, 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/readingrm/adams.html>. If you have any additional questions or comments, please contact Mr. Nathan Goodman of my staff at 301-415-2703, or by e-mail at Nathan.Goodman@nrc.gov. Please send your comments and/or concurrence of staff's conclusion for a finding of no historical properties present in the existing CBR ISR project area to NRC by July 19, 2013.

Please note that CBR has also submitted for NRC review license amendment applications for three proposed expansion areas. Each area will be subject to a separate Section 106 consultation effort. Likewise, the NRC staff will be preparing separate NEPA reviews for each of the three proposed expansion areas, each including an analysis on the potential impacts on

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cultural and historic resources at each project site. With that noted, the NRC staff is not requesting at this time concurrence from your office for the three proposed expansion areas — rather, only the existing CBR ISR project area subject to license renewal.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
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
License No.: SUA-1534

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