

August 14, 2013

Ms. Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing
and Assistance Section
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Suite 803
Washington, DC 20004

SUBJECT: STATUS OF THE U.S. NUCLEAR REGULATORY COMMISSION'S SECTION
106 CONSULTATION FOR THE PROPOSED ROSS URANIUM IN-SITU
RECOVERY PROJECT, CROOK COUNTY, WYOMING, AND OTHER IN-SITU
RECOVERY PROJECTS IN THE REGION

Dear Ms. Vaughn:

I am writing in response to your letter dated May 3, 2013, in which you forwarded concerns raised by the Standing Rock Sioux Tribe (SRST) Tribal Historic Preservation Officer (THPO) in a letter dated March 20, 2013. The SRST-THPO raised concerns related to the proposed Ross Uranium In-Situ Recovery (ISR) Project (Ross Project), which is located in Crook County, Wyoming. In your letter you asked the U.S. Nuclear Regulatory Commission (NRC) to provide the status of the National Historic Preservation Act Section 106 review for the Ross Project and other ISR projects in the same region.

Two enclosures accompany this letter to provide the requested information. Enclosure 1 addresses concerns raised in the SRST-THPO letter. Enclosure 2 provides a Section 106 consultation status update for other existing and proposed ISR projects currently under review by the NRC staff.

The NRC staff would first like to express its appreciation for the many interactions between the NRC staff and the staff from the Advisory Council on Historic Preservation (ACHP). Over the past few years, these have included numerous teleconferences and face-to-face meetings. ACHP staff has provided valuable Section 106 process feedback and guidance for the ISR projects under NRC review and has provided comprehensive Section 106 training to the NRC staff.

The NRC staff is also grateful to the SRST-THPO for her visit to the NRC headquarters on February 25, 2013, and her many subsequent interactions with the NRC staff, including attendance at the May 23, 2013, NRC Government-to-Government tribal leader meeting in Rapid City, South Dakota. There, in her capacity as a THPO, she provided feedback and

insights for enhancing the NRC's Section 106 process. Specifically, in April 2013 the SRST-THPO suggested another field survey approach, the "Tribal Working Group (TWG) approach," as an alternative to the NRC's existing proposed approach, the "Open-Site approach." The TWG approach was later implemented as one of the two options for the Ross Project tribal field survey. The NRC staff believes that it has successfully worked with the SRST-THPO to address the concerns raised in the March 20, 2013 letter. During the May 25, 2013 Government-to-Government meeting in Rapid City, South Dakota, the SRST-THPO noted that she is in agreement with allowing tribes to use either the Open-Site approach or the TWG approach in the future for conducting tribal field surveys.

Finally, the NRC staff would like to express its gratitude to all the tribes who participated in the field surveys for the past several months at the existing and proposed ISR project sites, specifically, 13 representatives from two tribes participated in the Crow Butte survey during the period between November 14, 2012 and December 7, 2012; 20 representatives from seven tribes participated in the Dewey-Burdock survey during the period between April 2, 2013 and May 24, 2013; and 27 representatives from 10 tribes participated in the Ross Project survey during the periods May 13-17 and June 3-7, 2013. During the field surveys, tribal representatives met with the NRC staff at the sites and shared valuable feedback and insights that will help the NRC continue to enhance the Section 106 process.

Identification of historic properties of religious and cultural significance to tribes that may be affected by Federal undertakings has been an emerging issue in recent years and many agencies like the NRC have been facing the same challenges. The NRC staff walked side-by-side with many tribal representatives during multiple site visits and field surveys over the past few years. NRC appreciates the importance of field surveys for the tribes and has been working diligently with consulting parties to continue to meet the reasonable and good faith standard in 36 CFR Part 800 to identify historic properties for the Ross Project and other ISR projects.

The NRC staff looks forward to continuing consultation with the tribes and working through the remaining Section 106 review steps consistent with 36 CFR Part 800 for the Ross Project and other ISR projects. While tribal consultation has been challenging at times, the NRC staff remains fully engaged and responsive to the tribes' concerns. Based on feedback from the consulting parties, the NRC staff believes that it has been making progress toward successfully implementing the Section 106 consultation process and building positive working relationships with the tribes.

C. Vaughn

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Should you have any questions or require further information about the content of this letter, please contact me or Ms. Johari Moore of my staff at 301-415-7694 or by email at Johari.Moore@nrc.gov. If you have any questions regarding specific ISR projects, please contact the Project Managers using the contact information shown in Enclosures 1 and 2.

Sincerely,

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

Docket Nos.: 40-9091; 40-9075; 40-8943; 40-8502; 40-8964; 40-9092

Enclosures:

1. Detailed Responses to the March 20, 2013 SRST-THPO Letter
2. Section 106 Status Update on the Other NRC ISR Projects

cc: see next page

C. Vaughn

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/RA/

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NAME	JMoore	AWalker-Smith	KHsueh	AMohseni	MBarkman-Marsh	KHsueh
DATE	7/16/13	7/16/13	7/17/13	7/17/13	8/2/13	8/14/13

OFFICIAL RECORD COPY

cc:

M. Hopkins, WY SHPO
L. Puschendorf, NE SHPO
J. Vogt, SD SHPO
W. Young, Standing Rock Sioux Tribe
D. Desrosiers, Sisseton-Wahpeton Oyate
C. Fisher, Northern Cheyenne Tribe
R. Eagle Bear, Rosebud Sioux Tribe
B. Rhodd, Rosebud Sioux Tribe
M. Wilson, Standing Rock Sioux Tribe
B. Nadeau, Turtle Mountain Chippewa Indians
E. Crows Breast, Three Affiliated Tribes
R. Thomas, Santee Sioux Nation
G. Hubbeling, Yankton Lakota Tribe
D. Youpee, Fort Peck Assiniboine and Sioux Tribes
C. Green, Lower Brule Lakota Tribe
W. Wells, Crow Creek Sioux Tribe
D. Conrad, Northern Arapaho Tribe
E. Bull Chief, Crow Tribe
J. Weston, Flandreau Santee Sioux Tribe
T. St. John, Sisseton-Wahpeton Oyate
D. Bartlett, Cheyenne River Sioux Tribe
B. Eagle, Cheyenne River Sioux Tribe