

Section 106 Status Update on the Other NRC In-Situ Uranium Recovery Projects

A. Dewey-Burdock ISR Project

The status of the Dewey-Burdock in-situ uranium recovery (ISR) project National Historic Preservation Act Section 106 activities up to February 2013 was provided in Enclosure 2 of the U.S. Nuclear Regulatory Commission's (NRC's) letter to the Advisory Council on Historic Preservation (ACHP), dated April 24, 2013 (ADAMS Accession Number ML13037A411), which is noted in ACHP's May 3, 2013 letter.

On February 8, 2013, the NRC staff sent a letter inviting all the 23 consulting tribes to conduct a field survey of the Dewey-Burdock site between April 1 and May 1, 2013. The tribal field survey commenced on April 2, 2013 and was temporarily suspended for about 2 weeks due to weather conditions. The survey effort resumed on April 24, 2013 and ended on May 24, 2013. The Open-Site approach was used for the Dewey-Burdock survey and 20 tribal representatives from seven tribes participated.

As of August 6, 2013, staff received three field survey reports and expects to receive more within the next two weeks. The staff will use these reports to determine eligibility of identified sites, request concurrence from the South Dakota State Historic Preservation Officer (SHPO), and continue to proceed with the rest of the Section 106 process. The staff's goal is to complete the Section 106 process in fall 2013.

Should you have any questions or require further information about the Section 106 review for the Dewey-Burdock ISR project, please contact Ms. Haimanot Yilma at 301-415-8029 or by email at Haimanot.Yilma@nrc.gov.

B. Crow Butte ISR Projects

The NRC staff currently has four Crow Butte ISR applications under its review. On May 30, 2007, the NRC received an application from Crow Butte Resources, Inc. (CBR) to amend its materials license to construct and operate an ISR facility at the North Trend Expansion Area (NTEA). The NRC staff accepted CBR's NTEA license amendment application for detailed technical review on August 28, 2007. On November 27, 2007, CBR submitted an application to the NRC for the renewal of its NRC materials license to continue operation of an ISR facility for an additional 10 years. The NRC staff accepted CBR's license renewal application for detailed technical review on March 28, 2008. On May 16, 2012, CBR submitted an application to the NRC to amend its source materials license to authorize CBR to construct and operate an ISR satellite facility at the proposed Marsland Expansion Area in Sioux County, Nebraska. The NRC staff accepted CBR's Marsland license amendment application for detailed technical review on October 5, 2012. On October 11, 2012, CBR requested that the NRC staff restart the application process to amend its source materials license to authorize CBR to construct and operate an ISR satellite facility at the proposed Three Crow Expansion Area in Dawes County and Sioux County, Nebraska.

Section 106 consultations have been ongoing after initial consultation letters were sent to potentially interested tribes for each Crow Butte project. While all four Crow Butte applications were submitted at different times, and each project has its own Section 106 review, the NRC staff has coordinated the site visit and field survey efforts for multiple sites, to the extent practicable, to streamline the process for all consulting parties involved.

During late November and early December 2012, representatives from two tribes, the NRC staff, and the NRC contractor staff participated in a field survey for the four proposed Crow Butte projects. The participating tribes provided the NRC with a field survey report documenting the results of this tribal field survey on March 5, 2013.

The current status of Section 106 consultations for each of the four Crow Butte projects is as follows:

- For Crow Butte License Renewal, the NRC staff sent a letter to the Nebraska SHPO for its review and concurrence of the staff's finding of no historic properties.
- For Crow Butte North Trend, the NRC staff is currently drafting on a Programmatic Agreement to be shared with consulting parties.
- For Crow Butte Marsland, the NRC staff is reviewing comments received from tribes on the field survey report and continuing Section 106 consultation through the National Environmental Policy Act (NEPA) review process, consistent with 36 CFR 800.3 through 800.6.
- For Crow Butte Three Crow, the NRC staff is reviewing comments received from tribes on the field survey report and continuing Section 106 consultation.

Should you have any questions or require further information about the Section 106 review for the Crow Butte ISR Projects, please contact Mr. Nathan Goodman at 301-415-2703 or by email at Nathan.Goodman@nrc.gov. You may also contact Ms. Mirabelle Shoemaker at 301-415-6423 or by email at Mirabelle.Shoemaker@nrc.gov.

C. Ludeman ISR Project

On December 6, 2011, Uranium One submitted an application to the NRC to amend source materials license SUA-1341 to authorize construction and operation of an ISR facility. The proposed Ludeman ISR Project would encompass nearly 20,000 acres in Converse County, Wyoming. The NRC staff accepted Uranium One's license amendment application for detailed technical review on May 16, 2012.

The NRC staff sent letters to tribes on August 8, 2012 to initiate the Section 106 consultation process. Follow-up calls were made by the NRC contractor during the months of November and December 2012, with the majority of the tribes requesting continued consultation on the proposed project.

In a letter dated June 24, 2013, Uranium One submitted its responses to the NRC staff's requests for additional information (RAIs) regarding the license amendment application. After review of Uranium One's responses to the RAIs, the NRC staff determined that the responses were insufficient to continue with the technical and environmental reviews. For that reason, on August 8, 2013, the NRC staff suspended the technical and environmental reviews, including

Section 106 consultation, of Uranium One's license amendment application for the Ludeman facility until such time as all of the information requested in the RAIs is submitted by Uranium One.

Should you have any questions or require further information about the Section 106 review for the Ludeman ISR Project, please contact Ms. Kellee Jamerson at 301-415-7649 or by email at Kellee.Jamerson@nrc.gov.

D. Smith Ranch ISR Project

On February 1, 2012, Power Resources, Inc. d/b/a Cameco Resources (Cameco) submitted an application to the NRC to renew its NRC source materials license, which authorizes ISR operations at Cameco's Smith Ranch Highland Uranium Project (SRHUP). The SRHUP includes existing and planned ISR facilities at the following properties: (1) the contiguous Smith Ranch, Highland, and Reynolds Ranch properties in Converse County, Wyoming; (2) the Gas Hills property in Fremont and Natrona Counties, Wyoming; (3) the North Butte property in Campbell County, Wyoming; and (4) the Ruth property in Johnson County, Wyoming. The NRC staff accepted Cameco's license renewal application for detailed technical review on July 5, 2012.

The NRC is taking the lead for Section 106 activities for all of the SRHUP properties, except for the Gas Hills property, where the U.S. Bureau of Land Management (BLM) has the lead. The week of September 24, 2012, the NRC staff attended the Gas Hills Section 106-related site tour hosted by the BLM Lander Field Office. Six tribes attended that site tour.

The NRC staff sent letters to tribes on December 20, 2012, to initiate the Section 106 consultation process for the remaining SRHUP properties. Follow-up calls were made by the NRC contractor during the months of January and February 2013, with the majority of the tribes requesting continued consultation on the proposed project.

A tribal consultation meeting and site visit are tentatively scheduled to be held in fall 2013.

Should you have any questions or require further information about the Section 106 review for the Smith Ranch ISR Project, please contact Mr. James Park at 301-415-6935 or by email at James.Park@nrc.gov.

E. Reno Creek ISR Project

AUC LLC submitted an application for a source materials license to the NRC on October 3, 2012. The proposed project area consists of 6,057 acres and is located in Campbell County, Wyoming between the communities of Wright, Edgerton, and Gillette. The application states that the total area of disturbed lands will be 154 acres and the remaining land will be a combination of controlled, restricted and unrestricted access areas. The site is located eight miles outside of the Pumpkin Buttes Traditional Cultural Property area. The NRC staff accepted AUC LLC's license application for detailed technical review on June 18, 2013.

The NRC staff sent letters to 23 tribes on February 22, 2013 and March 27, 2013 to initiate the Section 106 consultation process. Three tribes responded to request and expressed the intent to consult. Additional interactions will continue with the assistance of a cultural resources consultant.

A tribal consultation meeting and site visit are tentatively scheduled to be held in fall 2013.

Should you have any questions or require further information about the Section 106 review for the Reno Creek ISR Project, please contact Ms. Jill Caverly at 301-415-6699 or by email at Jill.Caverly@nrc.gov.