

May 1, 2014

Dear Tribal Historic Preservation Officer:

SUBJECT: COORDINATION OF A FIELD SURVEY TO IDENTIFY HISTORIC PROPERTIES FOR THE PROPOSED RENO CREEK IN SITU URANIUM RECOVERY PROJECT (RENO CREEK ISR PROJECT), CAMPBELL COUNTY, WYOMING

The U.S. Nuclear Regulatory Commission (NRC) staff is currently reviewing a license application from AUC LLC (AUC) to construct and operate the proposed Reno Creek In Situ Recovery (ISR) Project to be located in Campbell County, Wyoming. As part of its review of AUC's license application, the NRC staff is conducting National Historic Preservation Act (NHPA) Section 106 consultation with Native American Tribes (Tribes) to identify historic properties of cultural and religious significance to Tribes (or traditional cultural properties [TCPs]).

On March 12, 2014, the NRC staff met with tribal representatives to discuss the Reno Creek ISR Project and to visit the proposed site. During those discussions, several tribal representatives indicated that a field survey is required. In response to those comments, the NRC staff will coordinate efforts for a field survey to identify areas of religious and cultural significance within the area of direct effect which is a non-continuous 1609-acre area.

The NRC staff will work with interested Tribes to conduct a field survey of the Reno Creek ISR Project direct area of potential effect within the next few months. The NRC staff developed guidelines for the survey and has discussed site access and compensation with AUC. The guidelines for survey and AUC's compensation are outlined below.

Reno Creek ISR Field Survey Details:

1. Dates - AUC will open the Reno Creek ISR Project site to tribal representatives during the weeks of June 16, June 23, July 7 and July 14, 2014 for the purpose of conducting a field survey. Each Tribe may send up to two representatives to participate in the field survey in one or two of the proposed weeks.
2. Expenses -
 - a) Travel: AUC will pay mileage at \$0.56 per mile for one round trip from each of the tribal representatives' point of origin to the Reno Creek ISR Project site near Wright, Wyoming.

- b) Lodging and per diem: AUC will provide \$134.00 per day for lodging and expenses for each representative from each Tribe.
- c) Commuting mileage: AUC will provide daily round-trip mileage at \$0.56 per mile for daily commutes between Gillette and Reno Creek ISR Project site, if applicable.

NOTE: Per diem and mileage reimbursement will be provided to each tribal representative upon arrival to the Reno Creek ISR Project area on the first day of the survey. An expense reimbursement form and W-9 will be provided to each tribal representative participating in the survey.

- 3. Compensation - AUC will provide a \$10,000 contribution to each Tribe that participates in the survey to defray other costs that the Tribe might incur in order to participate. Payment to each Tribe will be contingent on participation of tribal representatives from that Tribe in the survey and can be provided either directly to attendees or to the tribal government.
- 4. Safety Requirements and Liability - Each tribal representative visiting the site will be provided with a safety briefing and will be asked to sign a release of liability.
- 5. Escort - AUC representatives will escort tribal representatives to any area within the entire 1,609-acre Reno Creek Project direct area of potential effects and will remain in the vicinity, but will not directly accompany the tribal representatives during their examination of the areas that they choose to survey.
- 6. Survey Location - Tribal representatives who encounter potentially sensitive sites or features during the survey may, if they wish, ask the AUC representative to identify the longitude and latitude location so that the general boundaries of any sites or features can be identified and recorded. AUC will sign a confidentiality agreement limiting use of this information to appropriate company personnel involved in project design or operation and to facilitate land management.
- 7. Tribal Report - Tribal representatives will provide a written report to the NRC within 30 days following the survey. If a report is not submitted within the timeframe requested, it will be assumed that no potential sites were identified. The report will include the following:
 - a) an identifying label for the potential TCP sites (for example, TCP-1, TCP-2, etc.);
 - b) a discussion of the fieldwork completed, including the methodology and areas examined;
 - c) a brief description of each individual property recorded;
 - d) completed site forms (guidance on level of detail required will be provided prior to the survey);

- e) a preliminary National Register of Historic Places (NRHP) eligibility evaluation and recommendation for each individual property recorded;
- f) recommendations concerning the potential NRHP eligibility for each property recorded, including previously identified archaeological sites within the Reno Creek ISR Project license area; and
- g) recommendations for possible appropriate avoidance buffers or possible mitigation measures should potentially eligible properties be adversely affected by the project.

In addition to the items listed above, tribal representatives may wish to coordinate efforts among other consulting parties. In this case, tribal representatives may wish to coordinate survey efforts, develop a methodology, and agree on a participant's code of conduct.

An NRC representative and/or a representative from the NRC's third-party consultant will be present during each day of the field survey.

Confidentiality

The NRC would not require that property descriptions in the report include interpretive information that Tribes may consider confidential. Information concerning the location of any identified properties of religious and cultural significance may be reported separately and directly to NRC as a confidential appendix to the survey report. Site location information provided by Tribes as part of this confidential appendix will be protected from public disclosure consistent with Section 304 of the NHPA and to the extent allowed by other applicable laws.

Determination of Historic Properties and Adverse Effects

After the field survey report is provided to the NRC by the tribal representatives, the NRC, in consultation with the Wyoming State Historic Preservation Office, will make the determination of historic properties and any potential adverse effects. If the NRC determines that there are "adverse effects" on historic property, the NRC will consult with Tribes and other consulting parties to seek ways to avoid, minimize, or mitigate the adverse effects.

Response Requested

The NRC requests a response to this letter indicating your interest in participating in the survey and/or providing your comments **no later than May 30, 2014**. Following this letter, the NRC staff and/or its third-party consultant plan to contact each Tribal Historic Preservation Officers via phone to determine interest and/or discuss comments. If Tribes are interested in conducting the survey according to the proposal finalized through comment provided to this letter, the NRC staff will work with the Tribes to determine availability, to select specific start and end dates, and to discuss other logistics for the survey.

The NRC staff will work with Tribes to select a specific period as discussed in Item 1 during which tribal representatives can conduct the survey together as a group. However, if one or more Tribes are unavailable or if survey days are lost due to rain or inclement weather, tribal representatives will be able to survey the project area on alternative days during this period. The NRC staff is also hopeful that representatives from the consulting Tribes can coordinate, prepare and submit the survey report within 30 days of survey completion.

If you have feedback or questions, please contact Ms. Jill Caverly, NRC Project Manager, at 301-415-6699 or Jill.Caverly@nrc.gov.

Sincerely,

/RA/

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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