

May 20, 2014

Mr. Robert Shepherd, Chairman  
Sisseton-Wahpeton Oyate Tribes  
P.O. Box 509  
Agency Village, SD 57262-0509

SUBJECT: NOTIFICATION OF INTENT TO PREPARE A PROGRAMMATIC AGREEMENT  
FOR THE PROPOSED CROW BUTTE RESOURCES, INC. IN SITU URANIUM  
RECOVERY NORTH TREND EXPANSION AREA, DAWES COUNTY,  
NEBRASKA

Dear Mr. Shepherd:

On May 20, 2007, the U.S. Nuclear Regulatory Commission (NRC) received an application from Crow Butte Resources, Inc. (CBR) to amend Source Materials License SUA-1534. This application requests authorization for CBR to construct and operate an In Situ Uranium Recovery (ISR) satellite facility at the proposed North Trend Expansion Area (NTEA) project site in Dawes County and Sioux County, Nebraska. Please note that CBR has also submitted for NRC review license applications to renew the license for the currently operating facility and two other proposed expansion areas. These four areas comprise the CBR ISR project area. Each area is subject to a separate Section 106 consultation effort. The purpose of this letter is to request your Tribe's participation in the development of a Programmatic Agreement (hereafter Agreement) for the NTEA undertaking. The proposed project area is 2,680 acres, although only 1,190 acres are included in the maximum development area over the life of the project. The direct area of potential effect (APE) is the project boundary at the NTEA site, which may be impacted by activities associated with the construction and operation of the proposed facility.

In 2004, ARCADIS, a consultant for CBR, completed an intensive pedestrian cultural resources inventory of the 1,190-acre proposed maximum development area as well as a Class III archeological survey. The field inventory recorded three historic sites and three isolated artifacts. In 2012, representatives from the Crow and Santee Sioux Nations conducted a survey of the other three CBR project areas; however, due to then-existing access limitations resulting from ongoing CBR and landowner negotiations, it was not possible to conduct a field inventory of the NTEA project area during the time of the tribal field effort. Therefore, because it is uncertain when access to the NTEA project site will become available, the NRC has decided to pursue a programmatic agreement to ensure that its Section 106 obligations are fulfilled when CBR gains access to the NTEA site.

With this letter, the NRC staff formally extends an invitation to the Apache Tribe of Oklahoma to be a consulting party to the Agreement. The NRC staff is planning a 2-hour kick-off meeting via webinar in early June 2014. Therefore, if your Tribe would like to be a consulting party to the Agreement, please provide the name of an individual who will be available to participate in the initial webinar and future webinars to develop the Agreement to Mr. Nathan Goodman (contact information below) by May 30, 2014.

R. Shepherd

2

The NRC staff is also attaching a draft Agreement outline for your review prior to the kick-off webinar in early June.

For additional information regarding the proposed action, CBR's license amendment application for the NTEA is publicly available from the NRC's Agency Wide Documents Access and Management System (ADAMS) at accession number ML072540671. The ADAMS Public Electronic Reading Room is accessible at: <http://www.nrc.gov/readingrm/adams.html>. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in ADAMS.

If you have any additional questions or require additional information, please contact Mr. Goodman at 301-415-2703, or by e-mail at [Nathan.Goodman@nrc.gov](mailto:Nathan.Goodman@nrc.gov).

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

Enclosure  
Draft Programmatic Agreement outline

cc: Ms. Dianne Desrosiers, THPO

R. Shepherd

The NRC staff is also attaching a draft Agreement outline for your review prior to the kick-off webinar in early June.

For additional information regarding the proposed action, CBR's license amendment application for the NTEA is publicly available from the NRC's Agency Wide Documents Access and Management System (ADAMS) at accession number ML072540671. The ADAMS Public Electronic Reading Room is accessible at: <http://www.nrc.gov/readingrm/adams.html>. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in ADAMS.

If you have any additional questions or require additional information, please contact Mr. Goodman at 301-415-2703, or by e-mail at [Nathan.Goodman@nrc.gov](mailto:Nathan.Goodman@nrc.gov).

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

Enclosure  
Draft Programmatic Agreement outline

cc: Ms. Dianne Desrosiers, THPO

**DISTRIBUTION:**

DWMEP r/f      KHseuh/FSME      BVonTill/URLB  
RBurrows/URLB      MSimon/OGC      DClykowski/URLB      TLancaster/URLB

**ML14141A314**

<b>OFC</b>	DWMEP	DWMEP	DWMEP	OGC	DWMEP
<b>NAME</b>	NGoodman	AWalker-Smith	MShoemaker (via email)	MSimon	KHsueh
<b>DATE</b>	4/29/14	5/1/14	5/1/14	5/6/14	5/19/14

**OFFICIAL RECORD COPY**