

April 16, 2015

Mr. Donnie Cabniss, Chairman
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005

SUBJECT: UPDATE OF NATIONAL HISTORIC PRESERVATION ACT, SECTION 106
CONSULTATION FOR THE PROPOSED CROW BUTTE RESOURCES, INC. IN
SITU URANIUM RECOVERY MARSLAND EXPANSION AREA, DAWES COUNTY,
NEBRASKA

Dear Chairman Cabniss:

This letter serves to provide your office with an update of the status of National Historic Preservation Act, Section 106 Consultation for the proposed Crow Butte Resources, Inc. (CBR) Marsland Expansion Area (MEA) in Dawes County, Nebraska. On October 30, 2014, the U.S. Nuclear Regulatory Commission (NRC) sent a letter to the Nebraska State Historic Preservation Office (SHPO) seeking concurrence with the NRC staff's finding of no historic properties affected within the area of potential effect (APE) for the proposed MEA project (ML14295A516). Nebraska SHPO replied with concurrence by letter dated November 18, 2014 (ML14343A537). Nebraska SHPO also indicated that their determination does not constitute the opinions of any Native American Tribes that may have interest in Traditional Cultural Properties (TCPs) potentially affected by this project.

TCPs are sites or areas of historic, cultural, or religious significance to Tribes or other historic properties present. Based on the information found in the TCP survey and the NRC staff's independent analysis, the NRC staff has preliminarily concluded that there are no TCPs within the APE of the proposed MEA project. Before finalizing this determination, the NRC staff is providing consulting Native American Tribes with the opportunity to provide additional information regarding the presence of TCPs in the APE. The NRC's final determination will be included in the final National Environmental Policy Act review documentation for the proposed MEA.

For additional information regarding the proposed action, CBR's license applications are publicly available in the Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at: <http://www.nrc.gov/readingrm/adams.html>. As a reminder, public documentation pertaining to the cultural resources evaluation for the proposed MEA project has been made available on the NRC's website, <http://www.nrc.gov/materials/uranium-recovery/license-apps/marsland/section106-marsland.html>. Although the public comment period closed on July 30, 2014, the NRC staff recommends these documents as they may inform your review if you wish to provide additional information.

D. Cabniss

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Additionally, an unredacted copy of the NRC staff's field documentation and an unredacted copy of the TCP Survey Report prepared by the Crow Nation and the Santee Sioux Nation are enclosed for your reference. As a reminder, the information in the enclosures to this letter is sensitive, and the NRC requests the proper handling of these documents, consistent with applicable laws and regulations pertaining to sensitive information. If you have any additional questions or comments, please contact Ms. Mirabelle Shoemaker of my staff at 301-415-6423, or via e-mail at Mirabelle.Shoemaker@nrc.gov. Please send your comments to NRC by May 15, 2015.

Sincerely,

/RA/

Lydia Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-8943

License No.: SUA-1534

Enclosures:

1. Unredacted Staff Field Documentation of Potential Places of Tribal Religious or Cultural Significance
2. Unredacted TCP Survey Report prepared by Crow Nation and Santee Sioux Nation

cc: Mr. Ponce Leon, Tribal Administrator

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Sincerely,

/RA/

Lydia Chang, Chief
 Environmental Review Branch
 Division of Fuel Cycle Safety, Safeguards,
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cc: Mr. Ponce Leon, Tribal Administrator

ADAMS Accession No. ML15103A181

***via email**

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