



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

July 15, 2016

Ms. Faith Spotted Eagle
Treaty Council Tribe
Yankton Sioux Tribe
P.O. Box 1153
Wagner, SD 57380

SUBJECT: THE ROSS IN SITU URANIUM RECOVERY PROJECT DETERMINATIONS OF ELIGIBILITY FOR TRADITIONAL CULTURAL PROPERTY SITES 48CK2216, 48CK2217, 48CK2223, 48CK2224; AS WELL AS ARCHAEOLOGICAL SITES 48CK2070, 48CK2076, 48CK2080, 48CK2087, 48CK2089, 48CK2090, 48CK2230, AND 48CK2231

Dear Ms. Spotted Eagle:

Please consider the information in the enclosure to this letter privileged and sensitive. The U.S. Nuclear Regulatory Commission (NRC) requests your review and comment on the enclosed findings related to four Traditional Cultural Properties (TCPs) seven archaeological sites, and one isolate. The four TCP sites are 48CK2216, 48CK2217, 48CK2223, and 48CK2224 and the seven archaeological sites are 48CK2070, 48CK2076, 48CK2080, 48CK2087, 48CK2089, 48CK2090, and 48CK2230, and the isolate is 48CK2231.

The four TCPs were originally identified during the two tribal field surveys conducted within the Ross Project area in May and June of 2013. These survey efforts were conducted by representatives of the Cheyenne and Arapaho Tribes of Oklahoma, the Crow Creek Sioux Tribe, the Eastern Shoshone Tribe, the Fort Belknap Indian Community, the Northern Arapaho Tribe, the Northern Cheyenne Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Turtle Mountain Band of Chippewa Indians, and the Yankton Sioux Tribe. As a result of these surveys, the Tribes have: (a) identified and recorded sites within the 1,721-acre Ross Project area with tribal religious and cultural significance; (b) made recommendations regarding the sites' NRHP eligibility; (c) provided a preliminary identification of potential Ross Project effects to those sites; and (d) made preliminary recommendations for adverse effects mitigation strategies. These survey results were incorporated into the "NRC tribal field surveys of the Ross Project Area" report, dated December 4, 2014. This report described a total of 18 TCPs identified during the tribal field surveys, and these four TCPs were unevaluated for National Register of Historic Places (NRHP) eligibility.

In an effort to gather additional information regarding the NRHP eligibility of these four TCPs, the NRC sent a request for additional information, by letter dated April 27, 2016, to the Programmatic Agreement (PA) Parties (Signatories, Invited Signatories and Consulting Tribes). Following that letter, the NRC held conference calls open to all PA Parties (May 2, 2016 and June 7, 2016) and separate calls with tribal members and Bureau of Land Management (May 2, 2016, May 12, 2016 and May 25, 2016) to discuss the NRHP eligibility for the unevaluated TCPs. The NRC received one written response.

Six of the seven archaeological sites were originally identified during a Class III survey performed in 2010 and revisited during the tribal field surveys performed in 2013. The remaining site and the isolate (48CK2230 and 48CK2231) were originally identified during the tribal field surveys. After the tribal surveys, additional site visits were performed to locate artifacts and features identified during the previous studies and to gather additional information.

Based on the information gathered, the NRC has performed an evaluation against all four eligibility criteria and made determination on the NRHP eligibility for these four TCPs, seven archaeological sites, and one isolate. Below is a summary of the NRC determinations for these sites.

Summary Table of NRC Determinations of Eligibility

| Site Number | Criterion A | Criterion B | Criterion C | Criterion D |
|-------------|------------------|--------------|--------------|--------------|
| 48CK2216 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2217 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2223 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2224 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2070 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2076 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2080 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2087 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2089 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2090 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2230 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2231 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |

- Eligibility Determination made by the Keeper of the National Register of Historic Places

Enclosed for your review is the detailed description of the NRC's evaluation of the NRHP eligibility determination for each of the four TCPs, the seven archaeological sites, and one isolate.

Please provide your comments on the NRC's findings of the NRHP eligibility within 30 days of receipt of this letter (on or about August 15, 2016). If you have any questions regarding the enclosed information or this request, please contact Ms. Jean Trefethen at (301) 415-0867 or via e-mail at: Jean.Trefethen@nrc.gov.

F. Spotted Eagle

- 3 -

In accordance with Title 10 of the *Code of Federal Regulations* Part 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at: <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

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

Docket No.: 40-9091
License No.: SUA-1601

Enclosure:
Detailed Site Description

F. Spotted Eagle

- 3 -

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Sincerely,

Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
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Office of Nuclear Material Safety
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Enclosure:
Detailed Site Description

ADAMS Accession No.: ML16190A402

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|-------------|------------|---------------|------------|
| OFC | FCSE/ERB | FCSE/ERB | FCSE/ERB |
| NAME | JTrefethen | AWalker-Smith | LChang |
| DATE | 07/03/2016 | 07/03/2016 | 07/15/2016 |

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