



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

November 21, 2016

Ms. Mary Hopkins
Historic Preservation Officer
Wyoming State Historic
Preservation Office
2301 Central Ave., Barrett Bldg. 3rd Fl.
Cheyenne, WY 82002

**SUBJECT: KENDRICK EXPANSION IN SITU URANIUM RECOVERY PROJECT:
RECOMMENDATIONS OF ELIGIBILITY FOR UNEVALUATED CULTURAL
PROPERTIES (NUMBER: 0116RLC002)**

Dear Ms. Hopkins:

The U.S. Nuclear Regulatory Commission (NRC) is submitting for your review and concurrence determinations of eligibility to the National Register of Historic Places for 16 cultural properties at the Kendrick uranium recovery project in Crook County, Wyoming. In this letter, the NRC is also providing an update on the status of its National Historic Preservation Act Section 106 consultation for the Kendrick project.

Status Update

On December 31, 2015, the NRC submitted the Kendrick Class III Report (ML15338A087), prepared by Strata's archeologist, GCM Contractors, to your office for concurrence. Your office responded by letter dated January 27, 2016 (ML16071A334), which stated that several sites remained 'unevaluated' pending evaluative testing and/or consultation with the appropriate Native American Tribes.

As a result of that January 2016 letter, the NRC staff requested Strata and its contractor to complete evaluation of all 'unevaluated' sites. The NRC staff submitted Strata's field evaluation testing plan for your review and concurrence on May 5, 2016 (ML16124A803). Your office concurred on the testing plan on May 26, 2016 (ML16309A427).

The January 2016 letter recommended three sites (48CK2261, 48CK2262, and 48CK2270) remain 'unevaluated' pending consultation with Tribes. As a result, the NRC and its contractor, SC&A, re-evaluated all the sites for potential interest to the Tribes and identified an additional four sites (48CK2260, 48CK2272, 48CK2273, and 48CK2303) for tribal consultation.

The NRC also considered input from the Bureau of Land Management – Newcastle Office when determining which sites to consult on with Tribes. The NRC staff conducted a site visit and consultation with 10 Tribes on the eligibility of those seven sites during the week of July 25, 2016. The site visit was divided into two sessions, with five Tribes attending each two-day session. The Tribes that attended were: Cheyenne River Sioux, Chippewa Cree, Crow Creek Sioux, Eastern Shoshone, Fort Belknap Community, Northern Arapahoe, Northern Cheyenne, Oglala Sioux, Rosebud Sioux, and Santee Sioux Tribe of Nebraska. A high-level summary of the site visit can be found in the Trip Report (ML16266A007).

On October 6, 2016, the NRC staff sent its preliminary eligibility determinations on the seven sites to 11 Tribes (10 Tribes that attended the site visit plus Flandreau Santee Sioux, which was unable to attend the site visit and consultation) for their review (ML16270A352). The NRC received written responses from two tribes, the Cheyenne River Sioux and Northern Arapaho. The Tribal Historic Preservation Office (THPO) of the Cheyenne River Sioux stated that all seven sites are eligible under all four criteria. The Northern Arapaho THPO stated all seven sites should be eligible under Criteria A and D. For your information, copies of their letters are provided in Enclosure 1.

Eligibility Recommendations

The NRC's recommendations on the eligibility of 16 previously 'unevaluated' Kendrick sites are summarized in Table 1. The NRC's recommendations are based on further testing and inspection and/or tribal consultation. Enclosure 2 contains the Testing Report and updated site forms for the 16 sites. The remainder of the Kendrick sites are dispositioned as summarized below in Table 2, based on your January 2016 letter and subsequent communication (ML16309A416).

The NRC staff requests your concurrence on the NRC's recommendations of eligibility summarized in Table 1 within **30 days** of receipt of this letter.

Documents referenced in this letter are publicly available from the NRC's Agencywide Documents Access and Management System (ADAMS), which can be accessed online at <http://www.nrc.gov/reading-rm/adams.html>, using the provided Accession Numbers.

Table 1: Summary of NRC's Recommendations of Eligibility for Kendrick Unevaluated Sites

Site Number	Brief Description	Additional Efforts Since Class III Report Submitted	Criterion A	Criterion B	Criterion C	Criterion D
48CK2078	prehistoric campsite and historic farm implements	Field Testing	NE	NE	NE	Eligible
48CK2260	bison bone scatter with lithic materials	Tribal Consultation	NE	NE	NE	Eligible
48CK2261	stone ring, lithic reduction	Field Testing, Tribal Consultation	Eligible	NE	NE	NE
48CK2262	alignment of cairns	Tribal Consultation	Eligible	NE	NE	NE
48CK2265	Isolated hearth feature and lithic (gravel) reduction	Field Testing	NE	NE	NE	NE
48CK2266	campsite, lithic reduction	Field Testing	NE	NE	NE	Eligible
48CK2267	campsite, lithic reduction	Field Testing	NE	NE	NE	NE
48CK2270	alignment of cairns	Tribal Consultation	Eligible	NE	NE	NE
48CK2271	campsite	Field Testing	NE	NE	NE	NE
48CK2272	single cairn	Tribal Consultation	NE	NE	NE	NE
48CK2273	bison processing camp	Tribal Consultation	***	NE	NE	Eligible
48CK2275	campsite	Field Testing	NE	NE	NE	Eligible
48CK2276	campsite	Field Testing	NE	NE	NE	NE
48CK2277	campsite, lithic reduction	Field Testing	NE	NE	NE	NE
48CK2278	campsite, lithic reduction	Field Testing	NE	NE	NE	NE
48CK2303	pre-contact lithic (gravel) source, sheepherder camp, protohistoric isolate	Field Testing, Tribal Consultation	NE	NE	NE	NE

NE – not eligible,
*** – unable to visit site due to access restrictions

Table 2: Summary of Previously Concurred Upon Kendrick Sites

<p>Eligible (Criterion)</p>	<p><i>The Wyoming SHPO concurred that these sites were eligible in its January 2016 letter and in subsequent communications.</i></p> <p>48CK2279 (D) 48CK2260 (D) – NRC consulted with Tribes in July 2016 on eligibility under Criterion A. See Table 1. 48CK2273 (D) – NRC consulted with Tribes in July 2016 on eligibility under Criterion A. See Table 1.</p> <p><i>In its January 2016 letter, the Wyoming SHPO listed this site as one that should remain 'unevaluated' pending further site testing. Its eligibility, however, was resolved through the Programmatic Agreement for the Strata Ross project. An eligibility determination was made by the Keeper of the National Register of Historic Places in May 2015. The SHPO concurred with that determination as part of the Ross Section 106 consultation in October 2016 (ML16302A278)</i></p> <p>48CK2089 (A)</p>
<p>Not Eligible</p>	<p><i>The Wyoming SHPO concurred that these sites were not eligible in its January 2016 letter.</i></p> <p>48CK1466 48CK2028 48CK2280 48CK2286 48CK2292 48CK2298 48CK2263 48CK2281 48CK2287 48CK2293 48CK2299 48CK2264 48CK2282 48CK2288 48CK2294 48CK2300 48CK2268 48CK2283 48CK2289 48CK2295 48CK2301 48CK2269 48CK2284 48CK2290 48CK2296 48CK2302 48CK2285 48CK2291 48CK2297 48CK2304 48CK2272 – NRC consulted with Tribes in July 2016 on eligibility under Criterion A. See Table 1.</p>

M. Hopkins

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If you have any questions regarding the enclosed information or this request, please contact Ms. Jessie Muir Quintero by phone at (301) 415-7476 or via e-mail at Jessie.Muir-Quintero@nrc.gov.

Sincerely,

/RA Christine Pineda for/

Jill S. Caverly, Acting 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

Enclosures:

1. Tribal Input on DOE Recommendations
2. Testing Report and Revised Site Forms

cc (via email, w/o enclosures):

Richard Curritt
Steve Vance
Alvin Windy Boy, Sr.
Wilfred Ferris
Michael Black Wolf
Yufna Soldier Wolf
Teanna Limpy
Trina Lonehill
Ellen Roberts
Garrie Kills a Hundred
Russell Eagle Bear
Bonnie St. John
Sarah Stokely
Renee Ohms
Alice Tratebas

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 Sarah Stokely
 Renee Ohms
 Alice Tratebas

ADAMS Accession Number: ML16307A163

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