



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

March 24, 2017

Dr. Brian Molyneaux
Tribal Archaeologist
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

SUBJECT: DETERMINATIONS OF ELIGIBILITY FOR NINETEEN CULTURAL
PROPERTIES AND EFFECTS REPORT FOR ALL CULTURAL PROPERTIES
AT THE ROSS IN SITU URANIUM RECOVERY PROJECT

Dear Dr. Molyneaux:

Please consider the information in the enclosures to this letter privileged and sensitive. The U.S. Nuclear Regulatory Commission (NRC) requests your review and comment on the enclosed findings related to 7 Traditional Cultural Properties (TCPs) and 12 archaeological sites and the NRC Ross In-Situ Uranium Recovery Project Draft Report for Determining Effects under Stipulation C (Draft Effects Report). The 7 TCP's are 48CK2214, 48CK2215, 48CK2218, 48CK2219, 48CK2220, 48CK2222, and 48CK2227 and the twelve archaeological sites are 48CK1603, 48CK2073, 48CK2075, 48CK2078, 48CK2079, 48CK2081, 48CK2082, 48CK2083, 48CK2085, 48CK2091, 48CK2092 and 48CK2229.

The 7 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. 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, 12 of which were previously determined eligible for listing in the National Register of Historic Places (NRHP) under Criterion A by the Keeper of the NRHP in May 2015. However, they were not evaluated under Criteria B, C, and D at that time.

The 12 archaeological sites contain archeological deposits and were identified in the undertaking's Additional Testing Report and its addenda. Two of the properties were previously determined eligible for listing in the NRHP under Criterion D, and are evaluated here under the remaining NRHP criteria. The remaining ten archaeological sites are evaluated for their eligibility for listing in the NRHP under all criteria based on information obtained during subsurface testing performed in 2016. None of the above-listed sites were documented as traditional cultural properties during the Tribal resource survey performed in 2013. In January 2017, the NRC and the Bureau of Land Management Newcastle Field Office (BLM) reviewed and discuss the eligibility of these properties prior to developing the enclosed Detailed Site Description.

Based on the information gathered the NRC performed an evaluation against all four eligibility criteria and made a determination on the NRHP eligibility for these 7 TCPs and 12 archaeological sites. 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 |
|-------------|------------------|--------------|--------------|-------------------|
| 48CK2214 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2215 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2218 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2219 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2220 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2222 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK2227 | Eligible (2015*) | Not Eligible | Not Eligible | Not Eligible |
| 48CK1603 | Not Eligible | Not Eligible | Not Eligible | Eligible (1995) |
| 48CK2073 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2075 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2078 | Not Eligible | Not Eligible | Not Eligible | Eligible |
| 48CK2079 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2081 | Not Eligible | Not Eligible | Not Eligible | Eligible |
| 48CK2082 | Not Eligible | Not Eligible | Not Eligible | Eligible |
| 48CK2083 | Not Eligible | Not Eligible | Not Eligible | Eligible (2013)** |
| 48CK2085 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2091 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2092 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |
| 48CK2229 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |

* Eligibility Determination made by the Keeper of the NRHP

** Concurred on previously by the Wyoming SHPO via letter

The Draft Effects Report is required under Stipulations C of the Ross In Situ Uranium Recovery Project Programmatic Agreement (PA) and includes the 17 historic properties that occur within the Area of Potential Effects (APE). This report is the result of several consultation meetings with the PA Parties (Signatories, Invited Signatories and Consulting Tribes) where the indirect and direct effects of the Ross Project on the historic properties were discussed. NRC staff worked closely with Strata to develop the written report and BLM is reviewing and will provide comment to Strata Energy, Inc. (Strata) on their assessment and recommendations of direct effects to the five archaeological sites located in the APE.

Enclosed for your review are detailed site descriptions of the NRC's evaluation of the NRHP eligibility determinations for each of the 7 TCPs and the 12 archaeological sites and the Draft Effects Report. Please provide your comments on the NRC's findings of NRHP eligibility and the project effects within 30 days of receipt of this letter (on or about April 24, 2017). 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.

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/

Cintha I. Román, 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. Detailed Site Description
2. NRC Ross In-Situ Uranium Recovery
Project Draft Report for Determining
Effects under Stipulation C

cc: Mr. Kevin Wright, Vice-Chairman

DETERMINATIONS OF ELIGIBILITY FOR NINETEEN CULTURAL PROPERTIES AND EFFECTS REPORT FOR ALL CULTURAL PROPERTIES AT THE ROSS IN SITU URANIUM RECOVERY PROJECT DATED March 24, 2017

ADAMS Accession No.: ML17024A232

***via email**

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| OFC | FCSE/ERB | FCSE/ERB | FCSE/ERB |
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| DATE | 1/30/17 | 2/22/17 | 3/24/17 |

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