



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

May 15, 2017

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

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

Dear Ms. Hopkins:

The U.S. Nuclear Regulatory Commission (NRC) is submitting for your review and concurrence determinations of eligibility related to seven Traditional Cultural Properties (TCPs) and twelve archaeological sites and the NRC's Final Report for Determining Effects (Final Effects Report) for the Ross In Situ Uranium Recovery. On May 1, 2017, the NRC sent you a letter with determinations of eligibility for nineteen cultural properties and the Effects Report for your concurrence. That letter, however, inadvertently described the Effects Report as a draft document. The NRC is reissuing the letter to clarify that the Effects Report is final.

The seven 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. Updated cultural properties forms are provided as an enclosure to this letter.

The seven TCPs were originally identified during the two tribal field surveys conducted within the Ross In Situ Uranium Recovery 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. The 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 eighteen TCPs identified during the tribal field surveys, twelve 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 the time.

The twelve archaeological sites contain archeological deposits and were identified in the undertaking's Additional Testing Report and its addenda. Two of the properties (48CK1603 and 48CK2083) were previously determined eligible for listing in the NRHP under Criterion D, and are evaluated here under the remaining NRHP criteria. Additionally, the NRHP eligibility determination for 48CK2078 is based on subsurface investigations performed in 2016 within the Strata Kendrick project Area of Potential Effects (APE). The remaining nine 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 archaeological

sites were documented as traditional cultural properties during the tribal field surveys performed in 2013. In January 2017, the NRC and the U.S. Bureau of Land Management (BLM) Newcastle Field Office reviewed the eligibility of these properties prior NRC 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 seven TCPs and twelve archaeological sites in accordance with Stipulations B of the Ross In Situ Uranium Recovery Programmatic Agreement (PA). Below is a summary of the NRC determinations for these properties.

Summary Table of NRC Determinations of Eligibility

| Site Number | Criterion A | Criterion B | Criterion C | Criterion D |
|-------------|------------------|--------------|--------------|-------------------|
| 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 |
| 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 |
| 48CK2229 | Not Eligible | Not Eligible | Not Eligible | Not Eligible |

* Eligibility Determination made by the Keeper of the NRHP.

** Concurred on previously by the Wyoming State Historic Preservation Office via letter.

*** Submitted as part of the Strata Kendrick project Section 106 consultation documentation.

The enclosed Final Effects Report is required under Stipulations C of the Ross In Situ Uranium Recovery Project PA and includes the seventeen historic properties that occur within the APE of the Ross In Situ Uranium Recovery Project. 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. The NRC staff worked closely with licensee, Strata Energy, Inc. (Strata), to develop the written report.

Enclosed for your review and concurrence are detailed site descriptions of the NRC's evaluation of the NRHP eligibility determinations for each of the seven TCPs and the twelve archaeological sites and the Final Effects Report. The NRC staff requests your concurrence on the NRC's determination of eligibility within 30 days of receipt of this letter.

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>.

If you have any questions about this letter, please contact Ms. Jean Trefethen of my staff by telephone at 301-415-0867 or via email at: Jean.Trefethen@nrc.gov.

Sincerely,

/RA/

Cinthya 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. Final Effects Report
3. Updated and Revised Site Forms

cc: w/o enclosure:
See next page

Apsaalooke (Crow) Nation

Mr. Emerson Bull Chief, THPO
Mr. Darrin Old Coyote, Chairman

Blackfeet Nation

Mr. John Murray, THPO
Mr. Harry R. Barnes, Chairman

Cheyenne & Arapaho Tribes

Ms. Virginia L. Richey, THPO
Mr. Eddie Hamilton, Governor

Cheyenne River Sioux Tribe

Mr. Steven Vance, THPO
Mr. Harold C. Frazier, Chairman

Chippewa Cree Tribe of the Rocky Boy's Reservation

Mr. Alvin Windy Boy, Sr., THPO
Mr. Ken St. Marks, Chairman
Ms. Karly Law, Tribal Archaeologist

Confederated Salish and Kootenai Tribes

Mr. Kyle Felsman, THPO
Mr. Vernon Finley, Chairman

Crow Creek Sioux Tribe

Ms. Bonnie St John, THPO
Ms. Roxanne Sazue, Chairman

Eastern Shoshone Tribe

Mr. Wilfred Ferris, THPO
Mr. Darwin St. Clair Jr., Chairman,

Flandreau Santee Sioux Tribe

Mr. Garrie Kills A Hundred, THPO
Mr. Anthony Reider, President

Fort Belknap Indian Community

Mr. Michael J. Black Wolf, THPO
Mr. Mark L. Azure, President

Fort Peck Assiniboine and Sioux Tribes

Mr. Darrell "Curley" Youpee, THPO
Mr. Fred Azure, Chairman

Lower Brule Sioux Tribe

Dr. Brian Molyneaux
Mr. Kevin Wright, Vice-Chairman

Mandan, Hidatsa, and Arikara Nation

Mr. Elgin Crows Breast, THPO
Mr. Mark Fox, Chairman
Mr. Peter Coffey, Cultural Resources Compliance Staff

Northern Arapaho Tribe

Ms. Yufna Soldier Wolf, THPO
Mr. Dean Goggles, Chairman

Northern Cheyenne Tribe

Ms. Teanna Limpy, THPO
Mr. Llevando Fisher, President

Oglala Sioux Tribe

Ms. Trina Lonehill, THPO
Mr. Troy Scott Weston, President

Rosebud Sioux Tribe

Mr. Russell Eagle Bear, THPO
Mr. William Kindle, President

Santee Sioux Tribe of Nebraska

Mr. Duane Whipple, THPO
Mr. Roger Trudell, Chairman

Sisseton-Wahpeton Oyate

Ms. Dianne Desrosiers, THPO
Mr. Garry Rousseau Sr., Vice-Chairman

Standing Rock Sioux Tribe

Mr. John Eagle, THPO
Mr. Dave Archambault II, Chairman
Ms. Kelly Morgan, Tribal Archaeologist

Turtle Mountain Band of Chippewa Indians

Mr. Russell Davis, THPO:
Mr. Richard McCloud, Chairman

Yankton Sioux Tribe

Mr. Kip Spotted Eagle, THPO
Mr. Robert Flying Hawk, Chairman
Ms. Faith Spotted Eagle, Chair

BLM

Mr. Richard (Rick) Miller, **Field Manager**
Dr. Alice Tratebas, Archaeologist

M. Hopkins

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Strata/WWC

Mr. Ralph Knode

Mr. Mike Griffin

Mr. Ben Schiffer

ACHP

Ms. Sarah Stokely

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DATED: May 15, 2017

DISTRUBITION: FCSE r/f

ADAMS Accession No.: ML17135A177

***via e-mail**

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| OFC | FCSE/ERB | FCSE/ERB | FCSE/ERB |
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| DATE | 05/15/2017 | 05/15/2017 | 05/15/2017 |

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