



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

June 28, 2018

Chairman Harold Frazier
Cheyenne River Sioux Tribe of the
Cheyenne River Reservation
P.O. Box 590
Eagle Butte, SD 57625

SUBJECT: MEMORANDUM OF AGREEMENT FOR THE NICHOLS RANCH IN-SITU
RECOVERY PROJECT

Dear Chairman Frazier:

In letters dated April 25, 2017, and March 21, 2018, the U.S. Nuclear Regulatory Commission (NRC) informed you that the State of Wyoming submitted a draft and final application to assume regulatory authority for activities related to uranium and thorium milling (also known as uranium recovery) under the NRC's Agreement State program. The State's application is currently under review by the NRC. If the Agreement State application is approved, the Nichols Ranch In-Situ Recovery Project license will be transferred to the State of Wyoming, and the NRC will no longer have any approval or regulatory authority over the Project. After the effective date of the Agreement, the licensee would be subject to the State of Wyoming's environmental, and historic and cultural resource requirements.

During the initial licensing of the Nichols Ranch In-Situ Recovery Project, the NRC negotiated a Memorandum of Agreement (MOA) to mitigate adverse effects on historic properties in accordance with Section 106 of the National Historic Preservation Act. The Cheyenne River Sioux Tribe of the Cheyenne River Reservation participated in the development of this MOA. This letter is to inform you that the NRC cannot continue to participate in the MOA if the State of Wyoming attains NRC Agreement State status. The State of Wyoming has requested the effective date for the Agreement to be September 30, 2018; after this date, the NRC will no longer have the authority to remain a party to this MOA. Therefore, the NRC has informed the signatories of its intention to terminate its involvement in the MOA on September 30, 2018, should the Agreement go into effect.

Additional information on the Wyoming Agreement process and links to the documents mentioned in this letter can be found on our Web site at:
<https://www.nrc.gov/about-nrc/state-tribal/agreement-states/wyoming.html>. We periodically update this Web site at each milestone in the Agreement process and provide links to documents related to the Agreement.

If you have any questions about the Wyoming Agreement or the NRC's role in the MOA, please contact me or Stephen Poy of my staff at (301) 415-7135 or at his e-mail at: Stephen.Poy@nrc.gov.

Sincerely,

/RA/

Andrea L. Kock, Acting Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

cc:

Ryan Schierman, WYDEQ
Cy Lee, Wind River Development Fund
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Wind River Reservation
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P.O. Box 128
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SUBJECT: MEMORANDUM OF AGREEMENT FOR THE NICHOLS RANCH IN-SITU RECOVERY PROJECT. DATED: JUNE 28, 2018

DISTRIBUTION:

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