



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

June 28, 2018

Chairman Roy Brown  
Arapaho Tribe of the Wind River Reservation  
P.O. Box 396  
Fort Washakie, WY 82514

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

Dear Chairman Brown:

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. Several parties signed the MOA, including the Arapaho Tribe of the Wind River Reservation. If the State of Wyoming becomes an Agreement State, the NRC cannot continue to participate in the MOA. The State of Wyoming has requested the effective date for the Agreement to be September 30, 2018. Consistent with Stipulation H.1 of the MOA, this letter is to inform you that the NRC is initiating the termination process documented in the MOA. The NRC is initiating termination 60 business days prior to September 30, 2018 (July 6, 2018).

Under Stipulation H.1. "Termination":

Any Signatory to this MOA may initiate termination by providing written notice to the other parties of their intent. After notification by the initiating Signatory, the remaining Signatories shall have 60 business days to consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. If such consultation fails, the termination will go into effect at the end of the 60 day period unless all the Signatories agree to a longer period.

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](mailto: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  
Lynette Bell, THPO, Shoshone Tribe of the  
Wind River Reservation  
Devin B. Oldman, THPO, Northern Arapaho Tribe  
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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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C. Roman-Cuevas, NMSS

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