



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

July 22, 2026

Mark Fox, Chairman
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763
chairmanfox@mhanation.com

SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION FOR CROW BUTTE
RESOURCES, INC.'S LICENSE RENEWAL APPLICATION FOR THE CROW
BUTTE PROJECT AND MARSLAND EXPANSION AREA IN DAWES COUNTY,
NEBRASKA (DOCKET NUMBER: 40-8943)

Dear Chairman Mark Fox:

The purpose of this letter is for the U.S. Nuclear Regulatory Commission (NRC) staff to document the conclusion of the Section 106 consultation process under the National Historic Preservation Act of 1966, as amended (NHPA), for the NRC staff's review of Crow Butte Resources, Inc.'s (CBR's) request to renew source and byproduct material license SUA-1534 for the Crow Butte Project in situ uranium recovery facility and Marsland Expansion Area in Dawes County, Nebraska.

On September 17, 2025, the NRC staff initiated consultation under Section 106 of the NHPA with the State Historic Preservation Office, Nebraska State Historical Society (NE SHPO), Native American Tribes, and CBR (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML25253A339](#)). In the letter the NRC staff provided information about the undertaking's activities and location, the area of potential effects, the identification efforts that had been carried out, and requested information, comments, or concerns about identification and evaluation of historic properties and adverse effects. After the U.S. Government lapse in appropriations ended, the NRC staff resumed consultation on December 8, 2025 ([ML25352A017](#)). The NRC staff also rescheduled the virtual (closed) government-to-government information and listening meeting with Tribes planned for October 2025. The meeting was held on January 14, 2026 ([ML26054A308](#)). After providing the draft meeting summary to the Tribes for review and comment, the NRC staff issued the final meeting summary on March 19, 2026 ([ML26076A105](#)).

In response to a request from the NE SHPO regarding the sites eligible for listing in the National Register of Historic Places (NRHP) and unevaluated sites within the area of potential effects, the NRC staff, in coordination with CBR, provided the requested information to the NE SHPO on April 28, 2026 ([ML26118A013](#)). In summary, unevaluated sites 25DW112/00-17, 25DW114, 25DW192, 25DW194, and 25DW00-25 at the Crow Butte Project have been avoided. Of these sites, only 25DW192 is located within a wellfield, within approximately 30 feet of wells. Potential land disturbance could occur during reclamation and decommissioning. Site 25DW192, however, is protected by a fenced perimeter. Eligible and unevaluated sites IW02, KL46, RW02, and RW11 would not be affected by licensed activities because these sites are located outside the developed area and CBR confirmed a 100-foot avoidance buffer.

While historic and cultural resources were identified during field investigations conducted at the Marsland expansion area, no sites were found eligible for listing in the NRHP. The twelve tribal sites identified during the 2013 tribal survey were also found not eligible for listing in the NRHP; however, CBR has confirmed that a 100-foot avoidance buffer would be appropriate for Tribal Sites 1, 2, 3, 6, and 7, and a 25-foot buffer for avoidance for Tribal sites 4 and 5, which are located within proposed wellfields.

Additionally, condition 9.8 of license SUA-1534 requires that CBR (1) undertake additional cultural resource surveys should any previously unsurveyed land be used for future developmental activity, and (2) cease work and immediately notify the NRC should a discovery of previously unknown cultural artifacts take place during project disturbance activity.

The NRC staff coordinated the Section 106 process with the preparation of an environmental assessment (EA) for CBR's license renewal request in accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.8, "Coordination with the National Environmental Policy Act." On May 5, 2026, the NRC staff notified the Section 106 consulting Tribes that the draft historic and cultural resources section of the EA ([ML26121A177](#)) was available for public review and comment ([ML26125A397](#)). The NRC staff did not receive any comments.

On May 4, 2026, the NE SHPO agreed that a determination of no adverse effects to historic properties is appropriate for the undertaking if adherence to the avoidance buffers for eligible and unevaluated sites is fulfilled ([ML26125A406](#)). The NE SHPO also requested to be immediately contacted if unanticipated discoveries occur. The NRC staff did not receive any objections. Therefore, consistent with 36 CFR 800.5(c)(1) and 800.5(d)(1), the NRC has fulfilled its Section 106 responsibilities.

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS.

If you have any questions, please contact Diana Diaz-Toro by email at Diana.Diaz-Toro@nrc.gov or by phone at 301-415-0930; or Christine Pineda by email at Christine.Pineda@nrc.gov or by phone at 301-415-6789.

Sincerely,



Signed by Robert Sun on 07/22/26

Robert Sun, Chief
Environmental Review Materials Branch
Division of Spent Fuel Storage
and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-8943

cc: Allan Demaray, THPO

ademaray@mhanation.com

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