

May 3, 2013

Mr. John M. Fowler, Executive Director
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Ave, NW, Suite 803
Washington, DC 20004

SUBJECT: CROW BUTTE RESOURCES, INC. PROPOSED IN-SITU URANIUM
RECOVERY FACILITY MARSLAND EXPANSION OF THE CURRENT
OPERATING FACILITY IN DAWES COUNTY, NEBRASKA

Dear Mr. Fowler:

On May 16, 2012, the U.S. Nuclear Regulatory Commission (NRC) received an application from Crow Butte Resources, Inc. (CBR) to amend its materials license to construct and operate an additional in-situ uranium recovery (ISR) facility at the Marsland Expansion Area (MEA) in Dawes County and Sioux County, Nebraska. The proposed MEA project area consists of approximately 4,622.3 acres located approximately 11 miles south southeast of the current CBR ISR facility. A map showing the proposed project boundary is enclosed. The area of potential effect for the proposed MEA is the 4,622.3-acre area of the proposed project and its immediate environs.

As part of the review of this application, the NRC staff is conducting an environmental review in accordance with the Title 10 of the Code of Federal Regulations (10 CFR) Part 51, which implements the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The NRC staff is preparing an Environmental Assessment (EA) to assess the environmental impacts of the proposed action.

In accordance with 36 CFR Part 800.8 (Coordination with the NEPA), the EA will include analyses of impacts to historic properties and cultural resources. The NRC staff is using the NEPA process to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

In September 2012, the NRC staff initiated Section 106 consultation with 21 Native American Tribes potentially affected by the proposed MEA project. By letter dated October 31, 2012, the NRC invited all consulting Tribes to participate in an open site survey of the proposed MEA site to identify potential properties of religious and cultural significance to the Tribes. During the period November 14 – December 7, 2012, two consulting Tribes participated in this open site survey. These Tribes prepared a Traditional Cultural Properties (TCP) Survey report that includes information on locations of TCPs identified within the CBR project areas, including the proposed MEA. This report has been provided to all consulting parties and will be provided to the Nebraska State Historic Preservation Officer for review and comment.

Additionally a redacted version of this report is publicly available in the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS accession number for the redacted version of this report is ML13093A123. Consultation is currently ongoing and additional meetings and/or site visits will be held as needed for the proposed action.

For additional information regarding the proposed action, CBR's license application for the MEA is publicly available in ADAMS. The ADAMS Public Electronic Reading Room is accessible at: <http://www.nrc.gov/reading-rm/adams.html>. The accession number for CBR's cultural resources survey report is ML121650565. Information about the proposed action and links to application documents can also be found on the NRC's web page for the MEA project at <http://www.nrc.gov/materials/uranium-recovery/license-apps/marsland.html>. If you have any questions or comments, or need any additional information, please contact Ms. Mirabelle Shoemaker of my staff by telephone at 301-415-6423 or e-mail at Mirabelle.Shoemaker@nrc.gov.

Sincerely,

/RA/

Aby Mohseni, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environment Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-08943

Enclosure: Map

cc: John Schmuck, Crow Butte Resources, Inc.

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Sincerely,

Aby Mohseni, Deputy Director
Environmental Protection
and Performance Assessment Directorate
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and Environmental Management Programs

Docket No.: 040-08943

Enclosure: Map

cc: John Schmuck, Crow Butte Resources, Inc.

ML13094A027

OFC	DWMEP	DWMEP	DWMEP	OGC	DWMEP
NAME	MShoemaker	AWalker-Smith	KHsueh	MSimon	AMohseni
DATE	4/04/13	4/04/13	4/19/13	5/2/13	5/3/13

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