

ATTACHMENT 8

Draft Scope of Work
Crow Butte License Renewal and North Trend Amendment 3/08/12

Draft Scope of Work¹ **Identification of Properties of Religious and Cultural Significance** **Cameco Resources Crow Butte License Renewal and North Trend License Amendment**

Background

The purpose of the activities described in this scope of work is to assist the U.S. Nuclear Regulatory Commission (NRC) in meeting its obligations under Section 106 of the National Historic Preservation Act and the implementing regulation 36 CFR part 800. NRC is required to take into account the effects of projects that it licenses on historic properties, including properties of religious and cultural significance to federally recognized Indian tribes. The regulation describes a process through which the federal agency identifies historic properties and evaluates their potential for eligibility to the National Register of Historic Places (NRHP), then determines whether the proposed federal undertaking will have an effect on the historical integrity of any eligible historic properties. If the effects of the undertaking would diminish the historical integrity of eligible historic properties, the agency must identify measures that it will take to resolve those effects through avoidance, minimization, or mitigation. NRC has requested that Cameco Resources provide the agency with information about properties of religious and cultural significance to Indian tribes that may be affected by the Crow Butte and North Trend in situ uranium recovery projects. Figure 1 shows the general locations of the two projects. Due to the close proximity of the two projects, Cameco Resources proposes to do so through a single identification effort.

Guidelines for Development of the Scope of Work

- The standard for compliance with Section 106 is that the agency must make a “reasonable and good faith effort” to identify potentially affected historic properties (36 CFR 800.4(b)(1)).
- The Section 106 regulation provides for phased approaches to identification of historic properties (36 CFR 800.4(b)(2)).
- The license boundaries for Crow Butte and North Trend include substantial areas that will not be subject to ground disturbance as part of the licensed undertakings. Because any historic properties that may exist in those areas will not be affected by the undertakings, areas not subject to ground disturbance will not be included in the identification efforts described in this scope of work. Any future uranium recovery in those additional areas will require a license amendment, compliance with Section 106, and additional efforts to identify properties of religious and cultural significance.

¹ This scope of work was developed by Cameco Resources at the request of the Nuclear Regulatory Commission staff. At a February 14-15, 2012, consultation meeting regarding these projects and the Dewey-Burdock project, the interested tribes expressed their preference not to work directly with the applicants or with consultants for the applicants. Therefore, this document was necessarily developed without the benefit of direct tribal involvement or input.

- The federally recognized Indian tribes that have participated in consultations with the NRC (interested tribes) have indicated that the appropriate method for identifying places of religious and cultural significance to them is through an examination of the ground surface by knowledgeable representatives from the interested tribes.
- The interested tribes have indicated, in consultations with the NRC, that the 30-meter interval survey transects generally used by archaeologists in the northern Plains region are too widely spaced to reliably encounter the kinds of cultural features that the tribes propose to identify.

Statement of Work for the Crow Butte License Renewal Area

Crow Butte is an existing in situ uranium recovery facility that has been in operation under its existing license since December of 1989. The proposed federal undertaking is an NRC license renewal for this facility; very little additional ground disturbance is anticipated during the 23 years that the facility will continue to operate. At the completion of operations, activities will include removal of existing equipment and facilities, followed by reclamation and restoration of the property.

As a first phase in the identification of properties of religious and cultural significance that may be affected by the license renewal, Cameco Resources proposes to contract with the tribal representatives designated by the interested tribes to examine a 15% sample of the area that will be subject to ground disturbance through the period covered by the license renewal.

Figure 2 shows the Crow Butte License Renewal area and the actual total area of ground disturbance. The license area boundary encompasses 2848 acres; of that area, 2000 acres have been or will be subject to ground disturbance; a 15% sample of the disturbance area will be 300 acres. The choice as to which parcels of land to examine within the area of ground disturbance will be at the discretion of the interested tribes. The results of this first phase of identification will provide NRC with information that can be used to characterize the affected environment for the purposes of the National Environmental Policy Act (NEPA). This information will also serve as the basis for NRC decisions about the need for and parameters of any future phase or phases of identification.

Statement of Work for the North Trend License Area

North Trend is a proposed new in situ uranium recovery facility. The proposed federal undertaking for this facility is an NRC license amendment of the underlying Crow Butte license. The overall area within the license boundary for North Trend is 2098 acres. Planning for this project is still in a preliminary stage, but the expected total area of ground disturbance will be approximately 1176 acres. Figure 3 shows the North Trend lease boundary and the proposed maximum area of ground disturbance. Cameco Resources does not currently hold leases on all of the surface estate parcels within the proposed maximum area of ground disturbance.

As a first phase in the identification of properties of religious and cultural significance, Cameco Resources proposes to contract with the tribal representatives designated by the interested tribes to examine a sample of the overall ground disturbance area comprising 380 acres (32% of the

total expected disturbance area). The sample area, shown as a crosshatched pattern in Figure 3, is the portion of the ground disturbance area for which Cameco Resources both holds the lease and proposes to begin operations. The results of this first phase of identification will provide NRC with information that can be used to characterize the affected environment for the purposes of the National Environmental Policy Act (NEPA). This information will also serve as the basis for NRC decisions about the need for and parameters of any future phase or phases of identification.

Level of Effort

- Field identification time: 10 person-days for Crow Butte; 13 person-days for North Trend²
- Services of additional traditional-culture experts: 2 person-days for Crow Butte; 2 person-days for North Trend³

Compensation

Field work

- \$25/hour for 8-hour work days for field identification
- \$30/hour for traditional-culture experts for field work
- \$18/hour for travel time, all personnel, actual hours from home base to Crawford, Nebraska, at the beginning of the project and return at the end of the project (assumes both North Trend and Crow Butte license renewal project areas are examined during a single field work session)
- \$100 per diem for all personnel for field work days and one travel day; \$35 per diem for the second travel day
- 51¢ per mile reimbursement for use of personal vehicles, actual gas expense for use of tribal vehicles
- \$100 field work supplies and expendables

Report preparation

- \$25/hour not to exceed 20 hours for Work Product 1
- \$25/hour not to exceed 50 hours for Work Product 2
- \$25/hour not to exceed 5 hours for Work Product 3
- \$200 report-preparation supplies and expendables

² Assumptions: Archaeological surveys in this region of Nebraska using 30-meter intervals between surveyors generally cover between 40 and 80 acres per person-day, depending on the terrain, ground cover, and number of archaeological sites encountered (site recordation to meet state and federal standards can be quite time consuming). Archaeological surveys at 15-meter intervals tend to cover between 30 and 50 acres per person-day, depending on the same factors. Using this information simply to indicate orders of magnitude, Cameco Resources anticipates a coverage rate for this identification project of 30 acres per person-day.

³ Assumptions: If those doing field identification need to consult with elders or other traditional advisors about particular features that they have encountered, this provides for those services on a contingency basis; 2 experts @ 1 day each for each project.

Work Products

1. Within 10 working days after completion of field work, the point(s) of contact for the interested tribes will provide brief (5 pages or less) non-confidential written summaries of the field work completed and the results of the field work for both project areas to NRC and Cameco Resources. Because this information will be disclosed to the public through NRC's NEPA compliance process, it is essential that the document contain only information that does not need to be protected from disclosure.
2. Within 40 working days after completion of field work, the point(s) of contact for the interested tribes will provide to NRC sufficient information about any identified properties of religious and cultural significance to permit the agency to consult with the Nebraska State Historic Preservation Officer (SHPO) about NRHP eligibility of these properties. This information should include the following:
 - a. An identifying label (for example, for Crow Butte CB-1, for North Trend NT-1)
 - b. Location and boundaries, either as digital data or plotted on 7.5 minute USGS quad maps
 - c. A brief description of the physical appearance of the property
 - d. An assessment of the integrity of the property
 - e. A brief statement concerning the historical significance of the property

The significance assessment should focus on the potential for the property to meet one or more of the criteria of eligibility to the NRHP established in 36 CFR 60.4 and elaborated in National Register Bulletin 15 *How to Apply the National Register Criteria for Evaluation* and National Register Bulletin 38 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. The interested tribes need not disclose specific information about the religious significance or meaning of any properties identified under this scope of work. The Section 106 process requires only information about the historical significance of these properties.

This work product should also include any recommendations that the interested tribes wish to provide concerning the potential NRHP eligibility under criteria other than criterion D for the four previously identified Native American archaeological sites within or partially within the ground disturbance area for Crow Butte license renewal. No Native American archaeological sites have been recorded within the North Trend license area.

The information provided in this work product will be subject to protection from disclosure under the provisions of Section 304 of the National Historic Preservation Act.

3. Once NRC and SHPO have completed determinations of NRHP eligibility for any identified properties of religious and cultural significance to the interested tribes, the point(s) of contact for the interested tribes will provide Cameco Resources with the information described in 2.a-c above for all eligible properties. Cameco Resources will sign a confidentiality

agreement limiting use of this information to appropriate company personnel involved in project design or operation.

Schedule (Note: these dates will be determined as part of the final scope of work)

- Field work to be completed by DATE
- Summary information to be completed by DATE
- Eligibility information for NRC to be completed by DATE

Access and Safety

On the opening day of field work Cameco Resources will provide safety training at the Crow Butte facility outside Crawford, Nebraska. Cameco Resources will provide the safety equipment that will be required during field work. Cameco Resources will provide a safety observer/point of contact for access on a continuous basis during field work.