



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

September 30, 2016

Ms. Mary Hopkins
Historic Preservation Officer
Wyoming State Historic Preservation Office
2301 Central Ave., Barrett Bldg. 3rd Floor
Cheyenne, WY 82002

SUBJECT: THE ROSS IN SITU URANIUM RECOVERY PROJECT: DETERMINATIONS
OF ELIGIBILITY FOR TWELVE CULTURAL PROPERTIES (48CK2216,
48CK2217, 48CK2223, 48CK2224, 48CK2070, 48CK2076, 48CK2080,
48CK2087, 48CK2089, 48CK2090, 48CK2230, AND 48CK2231)

Dear Ms. Hopkins:

The U.S. Nuclear Regulatory Commission (NRC) is submitting for your review and concurrence on the enclosed determinations of eligibility for 12 cultural properties to the National Register of Historic Places (NRHP). The 12 cultural properties include four with tribal religious and cultural significance (48CK2216, 48CK2217, 48CK2223, and 48CK2224), seven with archaeological features (48CK2070, 48CK2076, 48CK2080, 48CK2087, 48CK2089, 48CK2090), and one isolate (48CK2230). Updated cultural properties forms are provided as an enclosure to this letter.

The four cultural properties with tribal religious and cultural significance were originally identified during the two tribal field surveys conducted within the Ross Project area in May and June of 2013. These survey efforts were conducted by representatives of the Cheyenne and Arapaho Tribes of Oklahoma, the Crow Creek Sioux Tribe, the Eastern Shoshone Tribe, the Fort Belknap Indian Community, the Northern Arapaho Tribe, the Northern Cheyenne Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Turtle Mountain Band of Chippewa Indians, and the Yankton Sioux Tribe. As a result of these surveys, the Tribes: (a) identified and recorded 18 cultural properties with tribal religious and cultural significance within the 1,721-acre Ross Project area; (b) made recommendations regarding the properties' NRHP eligibility; (c) provided a preliminary identification of potential Ross Project effects to those cultural properties; and (d) made preliminary recommendations for adverse effects mitigation strategies. These survey results were incorporated into the "Tribal Field Surveys in the Ross Project Area" report, dated November 12, 2014, that described these 18 cultural properties identified during the tribal field surveys. Only these four cultural properties out of the 18 identified were unevaluated for listing in the NRHP.

In an effort to gather additional information regarding the NRHP eligibility of these four cultural properties, the NRC sent a request for additional information, by letter dated April 27, 2016, to the Programmatic Agreement (PA) Parties (Signatories, Invited Signatories, and Consulting Tribes). Following that letter, the NRC staff held conference calls open to all PA Parties (May 2, 2016 and June 7, 2016) and separate calls with tribal members and Bureau of Land Management (BLM) (May 2, 2016, May 12, 2016, and May 25, 2016) to discuss the NRHP eligibility for the four unevaluated cultural properties. The NRC received one written response. On July 15, 2016, the NRC staff sent its draft eligibility determinations to the PA Parties for a 30 day review. In response to that letter, additional information was provided to the NRC to support an eligible determination from the Northern Arapaho Tribes Tribal Historic Preservation Officer (THPO) and the BLM Newcastle Field Office. These two responses are enclosed with this letter.

The remaining eight cultural properties are seven archeological properties and one isolate. Six of the seven archaeological properties were originally identified during a Class III survey performed in 2010 and revisited during the tribal field surveys performed in 2013. The remaining property and the isolate (48CK2230 and 48CK2231) were originally identified during the tribal field surveys. After the tribal surveys, additional site visits were performed to locate artifacts and features identified during the previous studies and to gather additional information. During the spring of 2016, the NRC and BLM had multiple conversations to discuss the eligibility of these properties.

Based on the information gathered, the NRC evaluated the 12 cultural properties for listing in the NRHP, using all four eligibility criteria. Five of the cultural properties evaluated were previously found eligible under Criterion A as noted in the Summary Table below. Below is a summary of the NRC determinations for these sites.

Summary Table of NRC Determinations of Eligibility

Site Number	Criterion A	Criterion B	Criterion C	Criterion D
48CK2216	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2217	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2223	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2224	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2070	Eligible (2015*)	Not Eligible	Not Eligible	Not Eligible
48CK2076	Eligible (2015*)	Not Eligible	Not Eligible	Not Eligible
48CK2080	Eligible (2015*)	Not Eligible	Not Eligible	Not Eligible
48CK2087	Eligible (2015*)	Not Eligible	Not Eligible	Not Eligible
48CK2089	Eligible (2015*)	Not Eligible	Not Eligible	Not Eligible
48CK2090	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2230	Not Eligible	Not Eligible	Not Eligible	Not Eligible
48CK2231	Not Eligible	Not Eligible	Not Eligible	Not Eligible

* Eligibility Determination made by the Keeper of the National Register of Historic Places May 2015

In accordance with Title 10 of the *Code of Federal Regulations* Part 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records

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component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at: <http://www.nrc.gov/reading-rm/adams.html>.

Enclosed for your review is the detailed description of the NRC's evaluation of the 12 cultural properties for listing in the NRHP. The NRC staff requests your concurrence on the NRC's determination of eligibility within 30 days of receipt of this letter.

If you have any questions regarding the enclosed information or this request, please contact Ms. Jean Trefethen by phone at (301) 415-0867 or via e-mail at: Jean.Trefethen@nrc.gov.

Sincerely,

/RA/

Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9091
License No. SUA-1601

Enclosures:

1. Response from the Northern Arapaho
Tribal THPO
2. Response from the Bureau of Land
Management
3. Detailed Archaeological Site Description
and Cultural Resource Forms

cc w/o encl.: See attached list

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Sincerely,

Lydia W. Chang, Chief
Environmental Review Branch
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1. Response from the Northern Arapaho Tribal THPO
2. Response from the Bureau of Land Management
3. Detailed Archaeological Site Description and Cultural Resource Forms

cc w/o encl.: See attached list

ADAMS Accession No.: ML16265A466

OFC	FCSE/ERB	FCSE/ERB	FCSE/ERB
NAME	JTrefethen	AWalker-Smith	LChang
DATE	09/23/2016	09/23/2016	09/30/2016

OFFICIAL RECORD COPY

cc w/o enclosures:

Dr. Alice Tratebas, BLM, Newcastle Field Office

Sarah Stokley, Advisory Council on Historic Preservation

Mary Hopkins, Wyoming SHPO

Richard Currit, Wyoming SHPO's office

Ralph Knode, Strata Energy, Inc.

Mike Griffin, Strata Energy, Inc.

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Margaret Sutton, THPO, Cheyenne and Arapaho Tribes of Oklahoma

Margaret Anquoe, Cheyenne and Arapaho Tribes of Oklahoma

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Wanda Wells, THPO, Crow Creek Sioux Tribe

Emerson Bull Chief, THPO, Apsaalooke (Crow) Tribe

Wilfred Ferris, Eastern Shoshone Tribe

Garrie Kills A Hundred, THPO, Flandreau Santee Sioux Tribe

Michael J. Black Wolf, THPO, Fort Belknap Community

Darrell "Curley" Youpee, THPO, Fort Peck Assiniboine/Sioux

Dr. Brian Molyneaux (Tribal Archaeologist), Lower Brule Sioux Tribe

Yufna Soldier Wolf, THPO, Northern Arapaho Tribe

Teanna Limpy, THPO, Northern Cheyenne Tribe

Trina Lonehill, THPO, Oglala Sioux Tribe

Russell Eagle Bear, THPO, Rosebud Sioux Tribe

Phil Little Thunder, Rosebud Sioux Tribe

Ellen Roberts, THPO, Santee Sioux Nation

Dianne Desrosiers, THPO, Sisseton-Wahpeton Oyate Tribes

Kelly Morgan (Tribal Archaeologist), Standing Rock Sioux Tribe

John Eagle (THPO), Standing Rock Sioux Tribe

Elgin Crows Breast, THPO, Mandan, Hidatsa & Arikara Nation "Three Affiliated Tribes

Russell Davis, THPO, Turtle Mountain Band of Chippewa

Desiree Breer, THPO, Yankton Sioux Tribe

Faith Spotted Eagle, Treaty Council Chair, Yankton Sioux Tribe