



Preserving America's Heritage

September 13, 2011

Mr. Andrew Persinko
Deputy Director
Environmental Protection
and Performance Assessment Directorate
Office of Federal and State Materials
and Environmental Management Programs
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

REF: Use of the NEPA process for Section 106 purposes for Ross In-Situ Recovery Facility
in Oshoto, Crook County, Wyoming (Docket 040-09091)

Dear Mr. Persinko:

On August 26, 2011, the Advisory Council on Historic Preservation (ACHP) received the Nuclear Regulatory Commission's (NRC) notification that the NRC will use the process and documentation required for the preparation of an Environmental Impact Statement (EIS) to comply with Section 106 of the National Historic Preservation Act, in lieu of the procedures set forth in 36 CFR §§800.3 through 800.6 for the referenced project.

In addition to notification to the ACHP, the Wyoming State Historic Preservation Officer and the identified Indian tribes, in using the NEPA process NRC must also meet the standards set out in the ACHP's regulations at §800.8(c)(1)(i-v) for the following:

- identifying historic properties;
- involving the public;
- identifying historic properties and assessing the undertaking's effects on them;
- consulting regarding the undertaking's effects on historic properties with the SHPO and Tribes that might attach religious and cultural significance to the affected properties, other consulting parties, and the ACHP, where appropriate, during the NEPA scoping, environmental analyses, and the preparation of NEPA documents.

The regulations do not require NRC to submit the EIS to the ACHP. However, in the case of an objection from a consulting party, the ACHP's regulations provide for our review of the EIS to determine whether

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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preparation of the document has met the standards set forth in our regulations (at §800.8(c)(1)) and/or to evaluate whether the substantive resolution of the effects on historic properties proposed in the EIS is adequate.

Thank you for your notification. If you have any questions, or if we may be of further assistance at this time, do not hesitate to call Dr. Tom McCulloch at 202-606-8554 or via email at tmcculloch@achp.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Caroline D. Hall", written in a cursive style.

Caroline D. Hall
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs