

November 8, 2011

MEMORANDUM TO: Bill von Till, Chief
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: John L. Saxton, Hydrogeologist **/RA/**
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: REPORT OF OCTOBER 18, 2011 MEETING WITH STRATA ENERGY, INC.

Enclosed with this memorandum is a summary of the October 18, 2011 meeting between representatives of Strata Energy, Inc. and U.S. Nuclear Regulatory Commission staff to discuss the review of its application for the proposed Ross ISR Uranium Project. The associated meeting notice was issued on October 5, 2011, and is available at NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML112780185. If you have any questions, please contact me.

Docket No. 04009091

Enclosure: Meeting Report

cc: Meeting Attendees

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Date	11/ 2 /11	11/ 2 /11	11/ 7 /11	11/ 8 /11

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MEETING REPORT

DATE: Tuesday, October 18, 2011

TIME: 2:00 p.m. to 3:30 p.m.

PLACE: Two White Flint
15545 Rockville Pike
Rockville, MD 02852

PURPOSE: Strata Energy, Inc. (Strata) requested this meeting to discuss the 106 Consultation process and Request for Additional Information (RAI) schedules (see Agenda in Attachment 1)

ATTENDEES:

See Attendees List (Attachment 2).

BACKGROUND:

On January 4, 2011, Strata submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for an in situ recovery (ISR) project at the Ross site. The NRC staff initiated the acceptance review on May 2, 2011, and found the application administratively complete and acceptable for technical review on June 28, 2011.

DISCUSSION:

NRC staff read the opening statement for the meeting.

A Strata representative led a discussion on their public outreach program and would like to take a similar approach to the 106 Consultation process in order to minimize and/or prevent delays. Strata reported that 5 sites that have been identified in the class III archeological survey fall within the areas of the proposed wellfields. Strata proposed the following:

- (1) Develop a National Register of Historical Properties (NRHP) Plan for a detailed investigation of those 5 sites;
- (2) Perform an ethnographic survey because the class III survey did not include an exhaustive historical perspective of the tribal nations;
- (3) Involve the Park Service with respect to protecting the park (e.g., visual impacts, noise, light and groundwater); and
- (4) Approach to document visits involving tribal representatives should NRC or other federal representatives not attend the visit.

Enclosure

NRC staff reiterated that it is NRC's responsibility to lead the 106 consultation process and that staff should attend if a visit involves tribal consultations. Strata recognized that NRC is the lead in the consultation; however, they questioned whether Bureau of Land Management (BLM) staff could substitute for NRC staff as the federal agency due to logistical problems of sending staff from NRC headquarters to Wyoming. NRC staff preferred having NRC staff present, but would consider BLM staff as it is a cooperating agency. Whether or not BLM attended would be up to BLM staff. BLM staff stated they would have to check with the Project Manager before committing to a visit. Staff representatives indicated that an NRHP plan could be developed by mid-November timeframe.

NRC staff suggested that tribal nations participate in the ethnographic survey. NRC also noted that staff was in discussions with Wyoming State Historic Preservation Office (SHPO) to ensure that all requirements of the NHPA will be covered in a National Environmental Policy Act (NEPA) document as NRC plans to document the Section 106 consultations in the supplementary environmental impact statement (SEIS) .

Wyoming SHPO did not have objections to Strata's proposed program. The Wyoming SHPO representative stressed that if no adverse effect was determined for a particular site, then that site is not part of the Section 106 process. The SHPO representative also suggested that a Discovery Plan be developed by Strata through NRC for actions to be undertaken should an unidentified property be discovered during operations.

Strata representatives stated that they plan to respond to requests for additional information (RAIs) within 2 months. The representatives preferred a question and answer (Q&A) format similar to that used in addressing the Wyoming Department of Environmental Protection RAIs for its Permit to Mine. Strata representatives would supply revised pages to the application following the RAI response submittal. NRC staff responded that the Q&A format would likely be sufficient for most RAIs, but that a revised application would need to be submitted prior to finalizing any evaluation report/SEIS.

NRC staff indicated that the deadline for RAIs is February 2012, but the environmental review RAIs could be submitted as early as mid-December 2011 and safety RAIs as early as mid-January 2012. Strata had no objection to separate RAIs as long as NRC would not create duplicate RAIs.

The meeting was adjourned at approximately 3:21 p.m.

ACTION ITEMS:

NRC Action Items:

- (1) Determine appropriate format for RAI responses
- (2) (Discuss with BLM its availability at any proposed site visit
- (3) Complete discussion with Wyoming SHPO on having NHPA covered by the SEIS

Strata Action Items:

- (1) Develop NRHP Plan for NRC review
- (2) Develop a Discovery Plan

ATTACHMENTS

- 1 Agenda
- 2 List of Attendees

ATTACHMENT 1

**Meeting Agenda
Strata Energy, Inc.
Ross In Situ Recovery Project, Crook County, WY
October 18, 2011**

MEETING PURPOSE: Discuss Review Schedule and Section 106 Consultation Issues for the Ross ISR Project

MEETING PROCESS:

<u>Time</u>	<u>Topic</u>	<u>Lead</u>
2 PM	Introductions	All
	Section 106 Consultation Issues for the Ross Project	Strata
	Timing for Issuance of the Request for Addition Information (RAI)	NRC
	Timing for Submittal of Additional Information	Strata
	Other Questions from Strata	Strata
	Questions from NRC Staff	NRC
	Summary of Action Items	Moderator
3:15	Public Comment/Questions	Moderator
3:30	Adjourn	



ATTACHMENT 2

MEETING ATTENDEES

Date: Tuesday October 18, 2011

Room T-10C4

2:00 p.m. – 3:30 p.m.

Topic: Strata Energy, Inc.

NAME	AFFILIATION
Stephen J. Cohen	USNRC
Chris Pugsley	Thompson & Pugsley
Ben Schiffer	WWC Engineering
Anthony J. Thompson	Thompson & Pugsley
Jennifer Davis	USNRC
Molly Marsh	USNRC
Kevin Hsueh	USNRC
Alan Bjornsen	USNRC
John L. Saxton	USNRC
Johari Moore	USNRC
2 Students	Montgomery College
Melissa Butcher	PB Communications
Shannon Anderson	Powder River Basin Resource Council
James Bashor	BLM
Dr. Alice Tratebas	BLM
Richard Curritt	Wyoming State Historic Preservation Office