

December 6, 2011

Mr. Mal James, President
Strata Energy, Inc.
P.O. Box 2318
406 West 4th Street
Gillette, WY 82717

SUBJECT: INFORMATION REQUIRED BY THE U.S NUCLEAR REGULATORY
COMMISSION STAFF TO SATISFY ITS OBLIGATIONS UNDER SECTION 106
OF THE NATIONAL HISTORIC PRESERVATION ACT AND NATIONAL
ENVIRONMENTAL POLICY ACT TO COMPLETE ITS REVIEW OF THE
IMPACTS TO THE CULTURAL RESOURCES FROM THE PROPOSED
ROSS PROJECT

Dear Mr. James:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Strata Energy, Inc. (Strata) for a new source and 11e(2) byproduct material license to permit Strata to operate the proposed Ross uranium *In-Situ* recovery (ISR) facility. As part of our responsibilities under the National Environmental Policy Act (NEPA), the NRC is conducting an environmental review of Strata's application. In addition to our NEPA review, the NRC must comply with the National Historic Preservation Act (NHPA). Under Section 106 of the NHPA and its implementing regulations (36 CFR Part 800), the NRC must take into account the effects that issuing a license to Strata would have on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the NRC's findings.

In order to comply with NEPA and Section 106 of the NHPA, the NRC must make a reasonable and good faith effort to identify historic properties within the area of potential effect (APE) for the proposed Ross ISR facility. Historic properties include properties of traditional religious and cultural importance to one or more Indian Tribes. Based on information gathered during two meetings (September and November 2011) between the NRC and representatives from seven Indian Tribes and consultation with the Wyoming State Historic Preservation Officer (SHPO), the NRC staff has determined that, beyond the archaeological surveys already submitted by Strata, the staff needs additional information regarding properties which may be of religious and cultural significance to Indian Tribes. The NRC staff believes that a traditional cultural property (TCP) survey of the APE would be an effective method to identify these properties. Such a survey could include site visits by tribal representatives, analysis of potential properties by tribal representatives, and ethnographic interviews of tribal representatives.

The NRC requests that Strata submit a written proposal for acquiring information on TCPs. Upon receipt of this proposal, the NRC staff will determine whether the actions outlined in the proposal will provide information sufficient for the NRC to meet applicable requirements under NEPA and the NHPA.

M. James

2

Indian Tribes that are associated with Devils Tower, as well as those that have expressed interest in a traditional cultural properties survey as expressed during the two site walkovers and subsequent consultations, are receiving a copy of this letter.

Please submit your proposal to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T-8F5, Washington, DC 20555. If you have any questions or comments, or need additional information, please contact Mr. Alan Bjornsen of my staff by telephone at 301-415-1195, or by e-mail at Alan.Bjornsen@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, Branch Chief
Environmental Review Branch
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9091

cc: See next page

M. James

2

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Kevin Hsueh, Branch Chief
Environmental Review Branch
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9091

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DATE	11/28/11	11/28/11	12/02/11	12/02/11	12/06/11

OFFICIAL RECORD COPY

cc:

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