



Preserving America's Heritage

December 12, 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: Strata Energy Inc. Ross Uranium In-Situ Recovery Facility
Docket 040-09091
Oshoto, Crook County, Wyoming

Dear Mr. Persinko:

The Advisory Council on Historic Preservation (ACHP) has received expressions of concern regarding the consultation being carried out by the Nuclear Regulatory Commission (NRC) in compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800), for the referenced undertaking. In a letter received August 26, 2011, the NRC notified the ACHP of the undertaking, and its intention to 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. The ACHP responded by letter dated September 13, 2011, advising NRC of its obligation to meet the standards set out in the ACHP's regulations at §800.8(c)(1)(i-v).

Recently, the Tribal Historic Preservation Officer (THPO) for the Standing Rock Sioux Tribe contacted us to express concerns about NRC's apparent lack of flexibility in scheduling consultation meetings with tribes. It is our understanding that NRC scheduled an on-site visit and a separate consultation meeting without contacting the tribes to determine their availability. The tribes indicated that the meetings were announced with limited lead-time, and at a time when many of the interested tribes had prior commitments.

Since we were not involved in NRC's coordination of the consultation meeting, we are unable to respond to the Standing Rock Sioux's concerns. Therefore, we are requesting that NRC inform us of the status of the Section 106 consultation with Indian tribes and summarize the steps it has taken to comply with the ACHP's regulations. We are particularly interested in how you are notifying tribes and providing them

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

appropriate background information to facilitate their participation in the Section 106 review process. If NRC has a project schedule and milestones it can share with us, we would appreciate receiving a copy, too.

Thank you in advance for your prompt attention to this matter. Should you have questions, please contact Dr. John T. Eddins at (202) 606-8553 or by email at jeddins@achp.gov.

Sincerely,

A handwritten signature in blue ink that reads "Charlene Dwin Vaughn". The signature is fluid and cursive, with a long, sweeping tail on the "n".

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs