



P.O. Box 2318 • GILLETTE, WY 82717-2318
(307) 686-4066

January 12, 2012

Kevin Hsueh
Branch Chief
Environmental Review Branch
US Nuclear Regulatory Commission
Mail Stop T-8F5

Washington, DC 20555

RE: Response to Information Request by the United States Nuclear Regulatory Commission (NRC) Staff in regards to Section 106 of the National Historic Preservation Act (NHPA) and to the National Environmental Protection Act (NEPA) to Review Impacts to the Cultural Resources from the Proposed Ross In-Situ Uranium Recovery (ISR) Project

Dear Mr. Hsueh:

Thank you for your letter dated December 6, 2011, in which you requested that Strata Energy, Inc. (**Strata**) submit a written proposal for acquiring information on Traditional Cultural Properties (TCPs) within the area of potential effect (APE) associated with Strata's proposed Ross ISR Project near Oshoto in the State of Wyoming.

Strata continues to strive to set the standard for industry with regard to best practices in ISR permitting and public outreach, including practices associated with the NHPA Section 106 process. While we understand that Section 106 consultation is a "government-to-government" process between the Tribes and the NRC, Strata wishes to support and facilitate that process wherever possible. To that end, we are pleased to provide for review the attached draft Request for Proposals for acquiring TCP information. Prior to finalizing this draft, however, we have several questions and/or requests for information that will be needed in order for a qualified consultant (TCP Consultant) to prepare an accurate and comprehensive assessment of potential TCPs in the Ross APE:

1. Requests for Proposals – Rather than submitting a proposal for TCP assessment of the Ross APE, Strata wishes to issue a formal Request for Proposals (RFP) from qualified consultants to prepare the TCP assessment. Strata intends to issue this RFP to relevant consulting parties, to a listing of qualified ethnographic consultants, and to the National Association of Tribal Historic Preservation Officers, an organization working to establish best practices for cultural heritage preservation. Strata believes that issuance of such an

RFP will result in selection of a qualified consultant, a better end product, and improved concurrence among the consulting parties.

2. Consulting Parties – it is our understanding that the list of consulting parties for the Section 106 process consists of those parties listed as recipients in the aforementioned December 6 letter. According to our matrix on current Tribal interest, the following potentially interested Tribes do not appear to have received that letter:
 - Chippewa Cree (Participating – attended November 2 site visit) Kiowa (Participating – expressed interest in November 2 site per calls with NRC and Strata on 10/21/2011)
 - Three Affiliated Tribes (Participating – expressed interest in November 2 site visit via phone call with Strata 10/17/2011)
 - Fort Belknap Community (Maybe Participating – accepted invitation to September consultation but did not attend)
 - Blackfeet Tribe (Unknown Participating – no contact)
 - Southern Arapaho and Southern Cheyenne Tribes (Maybe Participating – expressed interest in future site visit via phone call with Strata 10/24/2011 but was unable to attend November 2 site visit)

Before finalizing the attached draft proposal, Strata requests that NRC issue a formal listing of the consulting parties to this Section 106 process as agreed to between NRC and SHPO and as defined by the provisions of 36 CFR 800.3(f), including the names of specific individuals for contact by the TCP Consultant. This will avoid any possible future issues associated with non inclusion.

3. Access to Information – Will the NRC provide the TCP Consultant with transcripts or similar records of the government-to-government meetings held on 9/14/2011 and 11/3/2011? Will it be necessary for the NRC to be present should the Consultant and consulting parties elect to include a site visit(s) in the assessment?
4. Area of Potential Effect – Strata requests that the NRC issue a formal map and description of the APE as determined by consultation between NRC and SHPO (per 36 CFR 800.4(a)), in order to define the boundaries within which ethnographic and field survey work will be conducted. To date, several different APEs have been proposed:
 - a. The 1,720 acre license application area;
 - b. A smaller but undefined area within which actual on-the-ground project impacts could be anticipated (from facility construction, drilling, pipelines, roads, etc.);
 - c. The visual resource survey area (viewshed) analyzed in the ER for this project;
 - d. An undefined 40 acre parcel discussed in a proposal submitted Mr. Curley Youpee on November 14 and supported by mineral ownership maps.

As a starting point, Strata proposes the following as suitable boundaries for a TCP study, for discussion between NRC and SHPO:

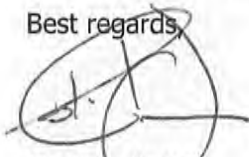
- i. The 1,720 acre license application area within which actual physical effects (direct or indirect) could be anticipated.
- ii. The viewshed as defined in Strata's Environmental Report (ER), Figure 3.9-3, page 3-393 of the ER.

In addition to the above questions and informational requests specific to the Section 106 process, Strata wishes to express the following concerns with regard to the overall process:

1. Internal review documents, drafts, and emails appear to be posted to NRC's public web site (ADAMS) before they have been suitably vetted, approved, or accepted. Strata asks that the NRC consider revising this practice, as unapproved drafts are typically not part of the public record.
2. Documents posted to the ADAMS site are posted individually, without indexing to related documents which often provide context and supplemental information. Strata requests that the NRC Staff introduce a cross-referencing/indexing function that will clearly delineate the contextual relationship between documents introduced into the public record.
3. Strata respectfully requests that the NRC continue to dedicate resources to develop, as soon as possible, a detailed, step-by-step protocol to guide NRC staff, applicants, and consulting parties through the Section 106 process. If appropriate Strata is willing to assist in this process.

The Strata team appreciates the opportunity to bring these questions and concerns before the NRC in the interest of ensuring the best possible outcome in the Section 106 process. Please do not hesitate to contact me if you have any questions or require additional information.

Best regards,

A handwritten signature in black ink, appearing to read "Malcolm James", written over a circular stamp or seal.

Malcolm James
President

Enclosure

- DRAFT -
STRATA ENERGY, INC.,
ROSS ISR PROJECT
NRC DOCKET #040-09091
REQUEST FOR PROPOSALS
FOR CULTURAL RESOURCE SERVICES

INTRODUCTION:

In January 2011, Strata Energy, Inc. (Strata) submitted a new combined source and 11e.(2) byproduct material license application to the United States Nuclear Regulatory Commission (NRC). NRC Staff is currently reviewing the application. In order to comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA), NRC Staff has requested additional information regarding cultural resources from Strata for its proposed Ross in-situ leach uranium recovery (ISR) project. Strata is seeking proposals and qualifications for an individual or firm (Consultant) to provide cultural resource services, with particular regard to the potential identification of Traditional Cultural Properties (TCPs), as described below. Individuals responding to this Request for Proposals (RFP) should have extensive experience and a knowledgeable background in identifying and evaluating traditional cultural properties, and qualifications in the provision of the services described herein.

Per National Parks Service Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, a TCP is defined generally as “one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community” (Bulletin 38, p. 1). The Bulletin further states that “the entity evaluated must be a tangible property—that is, a district, site, building, structure, or object (p. 11).

Interested respondents shall submit one (1) original and four (4) copies of their proposal to Strata Energy, Inc. at 406 W. 4th Street (PO Box 2318), Gillette, Wyoming 82717.

BACKGROUND:

The NRC license application submitted by Strata included an Environmental Report (ER) and Technical Report (TR). The ER provides the basis for NRC's environmental review and its future Supplemental Environmental Impact Statement (SEIS), while the TR provides the basis for NRC Staff's safety review and its future Safety Evaluation Report (SER). Key aspects of the ER included a baseline viewshed analysis and results of the Class I/III cultural resource surveys. With these data and analyses, NRC Staff initiated consultation efforts with potentially interested Tribes and other parties (Bureau of Land Management (BLM), Wyoming State Historic Preservation Office (WSHPO), National Park Service (NPS)) in February 2011. The potential consulting parties are included as Appendix A. As the lead federal agency, NRC Staff sent letters and conducted meetings and conference calls to establish communication pathways between interested parties. Two meetings with potential consulting parties were conducted in Wyoming; the result of these meetings was the

aforementioned request for additional information from NRC Staff to Strata, included as Appendix A. This RFP is a result of these early consultation efforts and reflects the need for additional ethnographic and cultural resource information to support this application review process.

As stated in ER Section 3.8.4 Tribal Consultation:

No Native American heritage, special interest, or sacred sites have been formally identified and recorded to date directly associated with the proposed project. However, the geographic position of the area between mountains considered sacred by various Native American cultures (the Big Horn Mountains to the west, the Black Hills to the east, and Devils Tower to the east) creates the possibility that existing locations may have special religious or sacred significance to Native American groups. If such sites or localities are identified at a later date, appropriate action must be taken to address concerns related to those sites. The only Tribal reservation in Wyoming is the Wind River Indian Reservation (approximately 170 miles southwest). The nearest Indian reservations to the proposed project area are the Crow and Northern Cheyenne Indian Reservations in Montana (approximately 100 and 91 miles northwest, respectively) and the Pine Ridge Indian Reservation in South Dakota (approximately 115 miles southeast).

A review of literature indicates that Devils Tower (located approximately 11 miles (18 km) from the site) is a sacred area for several Plains Tribes (Hanson and Chirinos 1991). According to the National Park Service (NPS), over 20 tribes have potential cultural affiliation with Devils Tower National Monument. Six tribes (Arapaho, Crow, Lakota, Cheyenne, Kiowa, and Shoshone) have historical and geographical ties to the Devils Tower area (NPS 2010). Traditional ceremonial activities which demonstrate the sacred nature of Devils Tower to American Indians include personal rituals (prayer offerings (bundles and cloths), sweatlodge ceremonies, vision quests, and funerals), group rituals (Sun Dance), and sacred narratives (origin legends, legends of culture heroes, and legends of the origins of ceremonies and sacred objects). Among these rituals, all are still practiced at Devils Tower except for funerals (NPS 2010).

According to Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments (NRC 2009b), NRC is encouraged to "promote government-to-government consultation and coordination with Federally-recognized tribes that have a known or potential interest in existing licensed uranium recovery facilities or applications for new facilities." On November 19, 2010, NRC provided a letter of notification informing 15 tribes that NRC expected to receive an application for the proposed Ross ISR Project. Following the receipt and acceptance of the license application, Strata understands that NRC will meet or communicate with all known Federally-recognized tribes in the area with a potential interest to establish protocol and procedures for government-to-government interaction on the matter. Tribes that have been identified as potentially having concerns about actions in the PRB include the Assiniboine & Lakota (MT), Blackfeet, Blood (Canada), Crow, Cheyenne River Lakota, Crow Creek Lakota, Devil's Lake Lakota, Eastern Shoshone, Flandreau Santee Dakota, Kootnai & Salish, Lower Brule Lakota, Northern Arapaho, Northern Cheyenne, Oglala Lakota, Pigeon (Canada), Rosebud Lakota, Sisseton-Wahpeton Dakota, Southern Arapaho, Southern Cheyenne, Standing Rock Lakota, Three Affiliated Tribes, Turtle Mountain Chippewa, and Yankton Dakota (NPS 2010).*

**Additional tribes expressing interest have been identified since the submission of the ER and are included in Appendix A.*

Section 1 – General Criteria:

Strata desires to select a Consultant to provide services in accordance with the specifications listed in this RFP. Said Consultant will perform cultural resource studies and prepare cultural resource reports for the proposed Ross ISR project in northeast Wyoming

(Figure 1). Studies will include ethnographic research, records research and potentially interviews with the appropriate Tribal representatives determined through consultation with NRC, preparation of a report on cultural resources found within the areas of potential effects (APE), and may include field research to further identify and evaluate any potential TCPs. Work performed by the Consultant shall meet the requirements established by the NRC, the Secretary of Interior's Professional Qualification Standards (48 FR22716, Sept. 1983), WSHPO, the Advisory Council on Historic Preservation (ACHP), Strata, and applicable State, Tribal, and federal land managing agencies.

Section 2 – Services to Be Provided:

Phase I

1. Prepare a written plan detailing how the Consultant proposes to proceed, including the final list of the Tribes to be included in the interviews and records search and appropriate individuals needed for potential interviews. The plan should also detail the team members or tribal representatives needed to complete the field work portions of the project;
2. Finalize Area of Potential Effect (APE). Based on the two consultations conducted to date, two APEs have been proposed for this analysis; 1) a geographic area encompassing the 1,721 acre permit area (Figure 2) and 2) a viewshed area encompassing the permit area plus a 2-mile buffer surrounding the project where the most significant aspect of the project (Central Processing Plant) can be seen (Figure 3). Note that the project cannot be seen from the base of the Devils Tower (Figure 4) and that the proposed Ross ISR project's Class III Cultural Inventory identified approximately five (5) campsites that might be disturbed within the geographic APE;
3. Develop a draft outreach plan for initial tribal contact concerning the information-gathering project and develop supporting material to be included. The supporting materials may include maps of areas to be studied, photographs of what potential ISR development projects would look like, and an animation of how the ISR process works. Information provided should be brief, clear, and nontechnical;
4. Review the written plan, defined APE(s), materials for initial Tribal contact, and final list of Tribes with Strata, NRC, WSHPO, and applicable State, Tribal, and federal land managing agencies to ensure completeness before proceeding;
5. Prepare monthly updates for Strata on the project's progress for submission to NRC, WSHPO, and applicable State, Tribal, and federal land managing agencies. These updates will continue for the duration of the project.

Phase II

1. Conduct background research to identify any potential TCPs in the APE(s) (through literature review and ethnographic interviews) using as basis the background information collected in the Class I/III Inventory:
 - a. Literature review portion:
 - i. SHPO files, maps and reports (including state context documents) for the States of Wyoming, Montana, North and South Dakota;
 - ii. Published histories and ethnographies of relevant tribes, including traditional beliefs and stories related to specific identifiable places;
 - iii. Tribal archives and records, including maps and lists and studies of place names;
 - iv. Bureau of Indian Affairs and other agency files and data;
 - v. Analyze data and prepare report to guide field work.
 - b. Interview portion:
 - i. Conduct interviews according to protocol established in Phase I;
 - ii. Record and transcribe interview data;
 - iii. Analyze data and prepare report to guide field work.
2. Develop a brief overview of Native American Tribal use and practices in the APE(s) to serve as basis for identifying potential TCPs. This overview should consider state context documents and other information on types of traditional cultural properties typically encountered in the region.
3. The Consultant will be expected to maintain detailed records of tribal contacts, comments, and concerns throughout the duration of the project.

Phase III

1. Work with NRC and WSHPO to evaluate potential TCPs identified through literature review and interviews and determine if there is need for field work to further evaluate the potential TCPs;
2. If necessary, conduct field work using subconsultants, Strata's archaeologist, and applicable representatives from NRC/WSHPO and from Native American Tribes who expressed interest in participating;
3. Work with NRC/WSHPO to determine whether any identified TCPs meeting National Register criteria occur within the study area (subject to Section 106 requirements).

Phase IV

1. Prepare a draft report meeting NEPA and NHPA Section 106 requirements for Strata review and revise as needed;
2. Upon identification and evaluation of any potential adverse impacts to a TCP or cultural property, prepare a draft management plan for Strata review and revise as needed;
3. Prepare draft segments (if needed) for a Memoranda of Agreement (MOA) between NRC/WSHPO/Strata and other consulting parties documenting Section 106 compliance.

The Consultant will be expected to clearly communicate with Strata at all times regarding the status of the project, and any key developments. The Consultant may also be asked to prepare communications regarding key project developments for distribution among the consulting parties, pending Strata's review and approval.

Additional services may be recommended by the Consultant based on experience for inclusion in this scope of work.

Section 3 - Mandatory Minimum Requirements:

The proposal submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this RFP and shall incorporate the information requested below. In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Proposal. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

The Principal Investigator shall meet the professional and experience requirements of Appendix III to National Park Service Bulletin 38 (attached as Appendix B).

Strata reserves the right to hold oral discussions with Consultant(s) of their choice for clarification of a proposal. Strata further reserves the right to request additional information.

Required Proposal information:

1. The Proposal must contain resumes of key personnel expected to provide services as described in the Proposal;
2. The Proposal must contain the address of the office(s) of Respondent;
3. Respondents must demonstrate to Strata a proven record of advisory services to organizations of similar size and complexity. Include a list of clients where related services are being or have been provided over the last five (5) years. Include contact names, positions, and phone numbers;
4. The Proposal must describe the amount of Professional Liability Insurance maintained (see Section 8, below).
5. The Proposal should describe any other factors the Respondent believes are relevant to its ability to provide Strata with the services described in this RFP.

Section 4 – Schedule:

The Respondent should be familiar with applicable timetables related to the SEIS preparation process. At this point, NRC Staff expects to complete a draft SEIS in late 2012. The services described in this RFP will need to begin as soon as possible following notice to proceed, so that the interviews and records search can be completed by mid-spring, allowing ample time in the late-spring or early-summer to conduct any necessary fieldwork. Respondent should provide a detailed proposed schedule for the work to be completed hereunder.

Section 5 – Cost Proposal:

Respondent must include the following:

1. A list of applicable hourly rates associated with the personnel who would provide the type of work listed in Section 2 above;
2. A total cost calculation for services applying the above listed hourly rates.
3. An estimate of the monthly expenditures to complete the scope of work.

Section 6 – Number of Copies:

Respondents must provide one (1) signed original and at least four (4) copies of their Proposal.

Section 7 – Submission Deadline:

Submission deadline will be at the discretion of Strata and dependent upon NRC Staff review of the RFP.

Section 8 – Insurance and Indemnification:

The Respondent awarded the contract must assume all risks connected with this work. The Respondent awarded the contract shall comply with all State laws and regulations concerning Worker's Compensation and shall maintain such insurance as will protect the Respondent against all claims for damages for personal injury, including death and property damage, which may arise during or as a result of the work done under this Contract, either by the Respondent awarded the contract or by any subcontractor or anyone directly or indirectly employed by either Respondent or subcontractor.

The Respondent awarded the contract shall not commence work under this Contract until all insurance required by this section has been obtained, nor shall the Respondent allow any subcontractor to commence work until all similar insurance required of the subcontractor has been obtained and approved. The Respondent's insurance shall apply to and provide coverage for all subcontractors and/or suppliers unless the Respondent forwards to Strata the Certificate of Insurance for the subcontractor or supplier. Insurance coverage shall remain in effect until all work under the Contract has been accepted by Strata and at all times thereafter when the Respondent may be replacing defective work.

The Respondent awarded the contract shall furnish Strata with proof of insurance by providing a Certificate of Insurance from the authorized agent. The Respondent awarded the contract shall give Strata thirty (30) days written notice of any material change in, cancellation of, or expiration of the policies. Any insurance company providing coverage must be authorized to do business in the State of Wyoming.

The following insurance is required:

1. Professional Liability – Minimum of \$1,000,000 errors and omissions per occurrence;
2. General Liability – Minimum of \$1,000,000 per occurrence based upon the specific work and values involved. Strata shall be named as additional insured with respect to general liability;
3. Worker's Compensation in accordance with the Wyoming Worker's Compensation Act (State Statute 27-14)

Section 9 – Adherence to Strata Access Requirements and Policies:

Consultant must adhere to the following Strata access requirements and policies:

1. Consultant must adhere to Strata's no smoking and zero tolerance drug and alcohol policies while on site.
2. Consultant must go through Strata's designated land access personnel for approved access and must adhere to any and all land access agreement stipulations contained within Strata's land access agreements with landowners.
3. Consultant must adhere to Strata's markings and identification policy while on site.
4. Consultant must adhere to Strata's safety policies while on site.

Section 10 – Indemnification:

The selected individual or firm shall defend, indemnify and hold harmless Strata, its officers, agents, and employees from any and all claims and costs of any nature whether for personal injury, property damage, or other liability arising out of or in any way connected with the individual or firm's acts or provisions under this proposal.

Section 11 – Evaluation:

Strata's objective in soliciting proposals is to enable it to select a Respondent that will provide high quality and cost effective services to Strata. Strata will consider proposals only from Respondents that, in Strata's sole judgment, have demonstrated the capability and willingness to provide high quality services to Strata in the manner described in this RFP.

Proposals will be evaluated by Strata on the basis of which proposal is the most advantageous, including price and other factors considered. The evaluation will consider:

1. Completeness of the proposal;

2. Ability to complete the work in a professional manner and within the timeframe indicated;
3. Experience and knowledge of the subject;
4. Cost proposal.

The following questions will be used to assist in the evaluation:

1. Technical Criteria:

- a. Does the Respondent's Proposal demonstrate a clear understanding of the scope of work and related objectives?
- b. Is the Proposal complete and responsive to the specific RFP requirements?

2. Management Criteria:

- a. History and experience in performing the work:
 - i. Does the Respondent document a record of reliability of timely delivery and on-time and on-budget implementation?
 - ii. Does the Respondent demonstrate a track record of service as evidenced by on-time, on-budget, and contract-compliant performance?
 - iii. Does the Respondent have a record of professional integrity?
- b. Availability of personnel, facilities, equipment and other resources:
 - i. Are the available resources of the Respondent sufficient to meet the needs of Strata?
 - ii. To what extent does the Respondent rely on in-house resources v. contracted resources?
 - iii. Is the availability of in-house and contract resources documented?

3. Cost Criteria:

- a. Cost of goods to be provided or services to be performed:
 - i. Relative cost: How does the cost compare to other similarly scored proposals?
 - ii. Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?

Strata shall not be obligated to explain the results of the evaluation process to any Respondent.

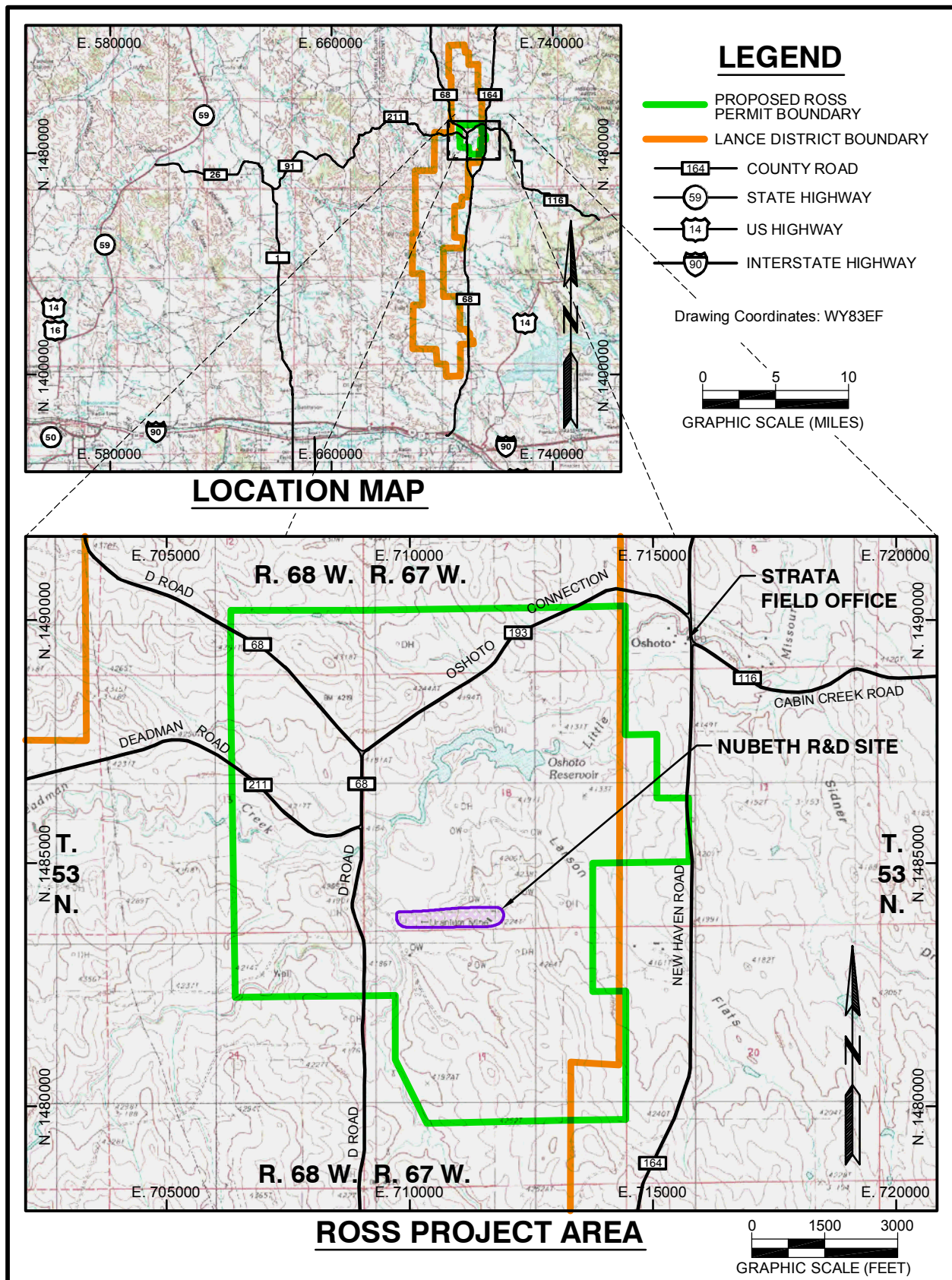
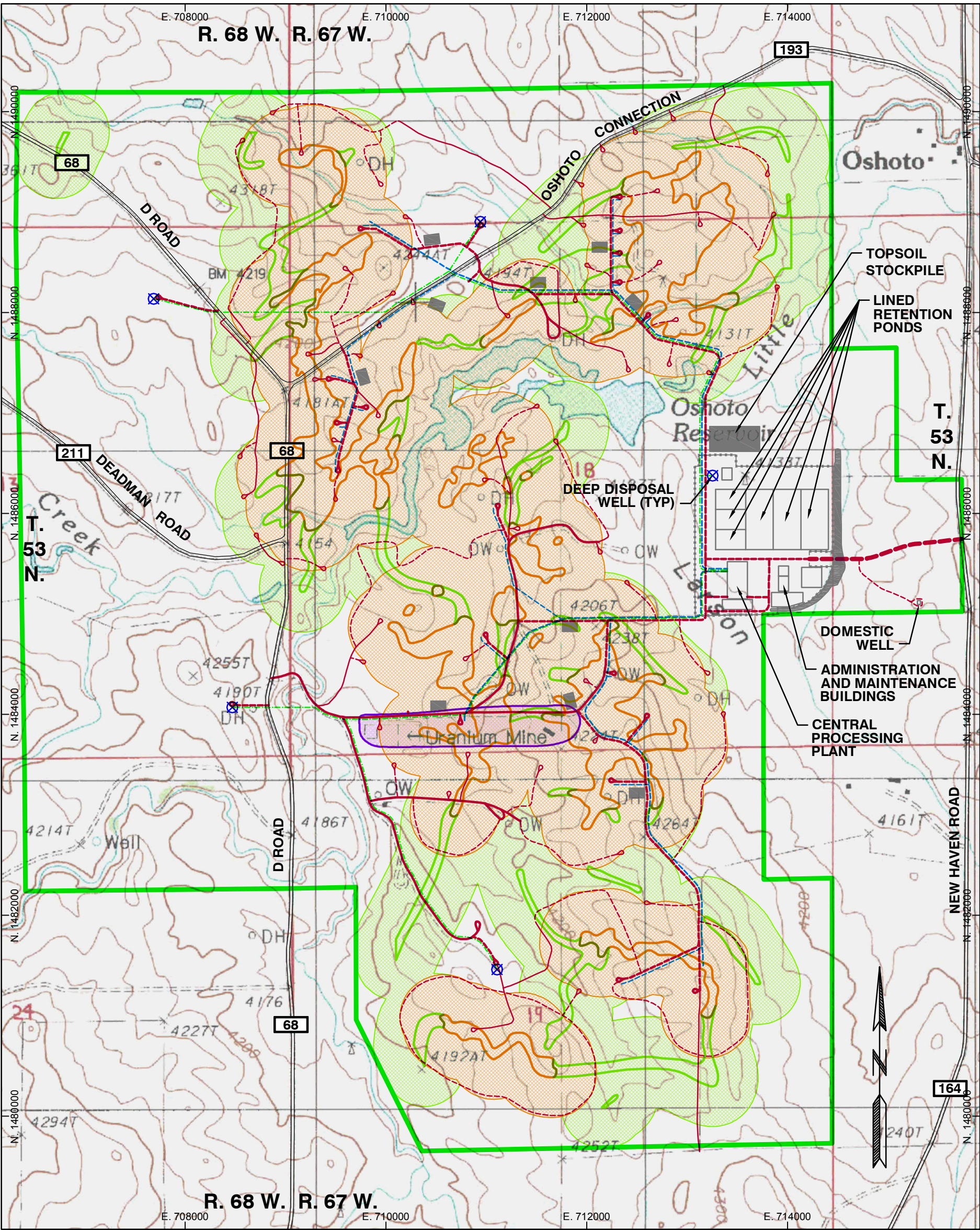


Figure 1. Proposed Project Area



ROSS PROJECT AREA

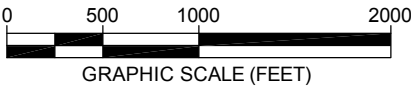
Drawing Coordinates: WY83EF

LEGEND

- PROPOSED ROSS PERMIT BOUNDARY
- COUNTY ROAD
- NUBETH R&D LOCATION
- AREAS OF KNOWN MINERALIZATION
- FUTURE DRILLING TARGET AREAS
- APPROXIMATE WELLFIELD PERIMETER
- WELLFIELD PERIMETER ACCOUNTING FOR FUTURE DRILLING

FACILITIES

- PROPOSED CONVEYANCE PIPELINE
- PROPOSED DEEP DISPOSAL WELL PIPING
- PROPOSED PRIMARY ACCESS ROAD
- EXISTING SECONDARY ACCESS ROAD
- PROPOSED SECONDARY ACCESS ROAD
- EXISTING 2-TRACK ROAD
- PROPOSED TERTIARY ROAD
- PROPOSED DEEP DISPOSAL WELL



ROSS ISR PROJECT
CROOK COUNTY, WY
P.O. BOX 2318
GILLETTE, WY 82716

REVISIONS	
Date	Description

FIGURE 2

APPROXIMATE AREAS OF MINERALIZATION AND PROPOSED FACILITIES

Drawn By: MBM
Checked By: JWF
Date: 11/16/10

FILE: ROSS ER FACILITIES

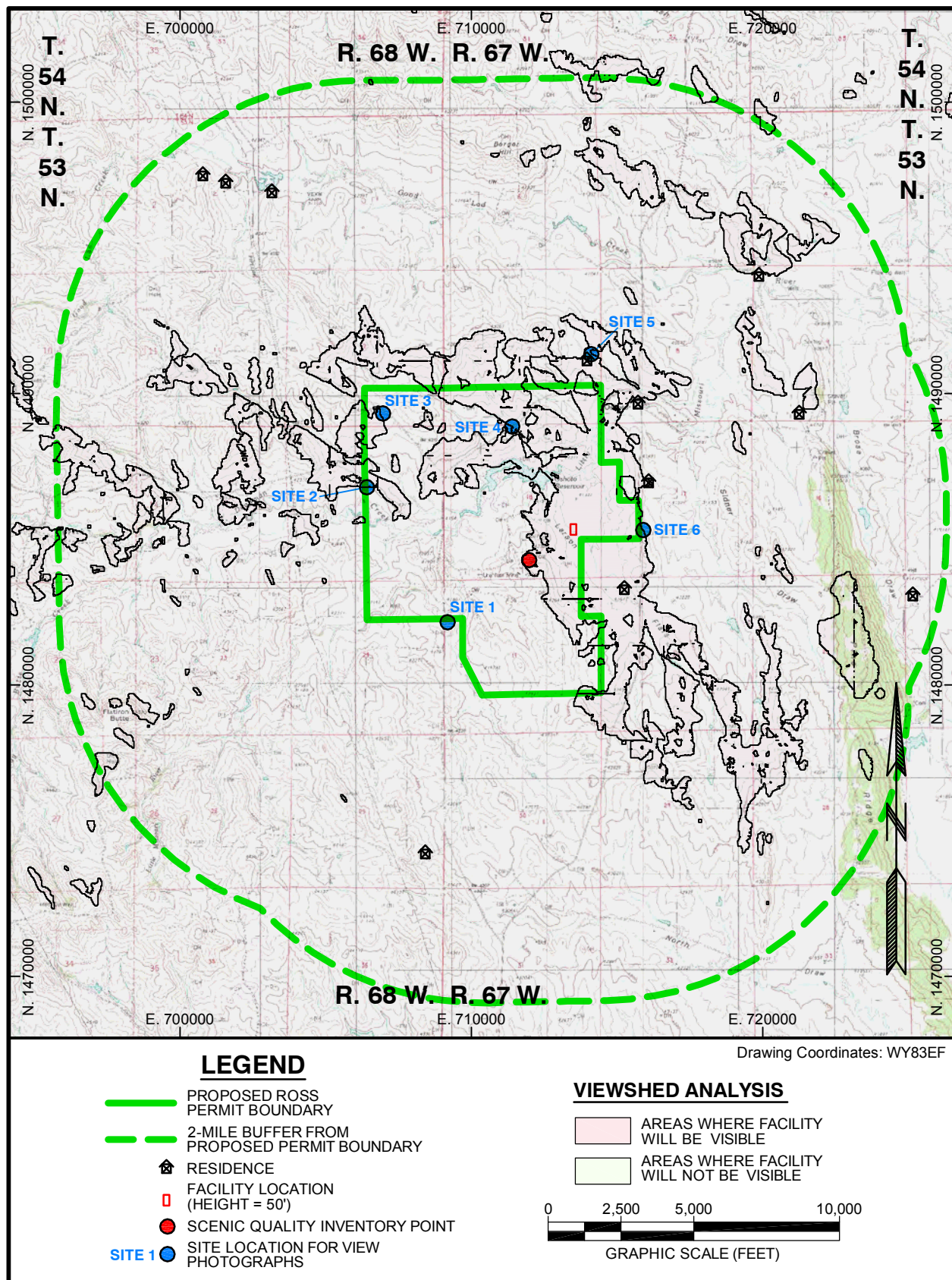
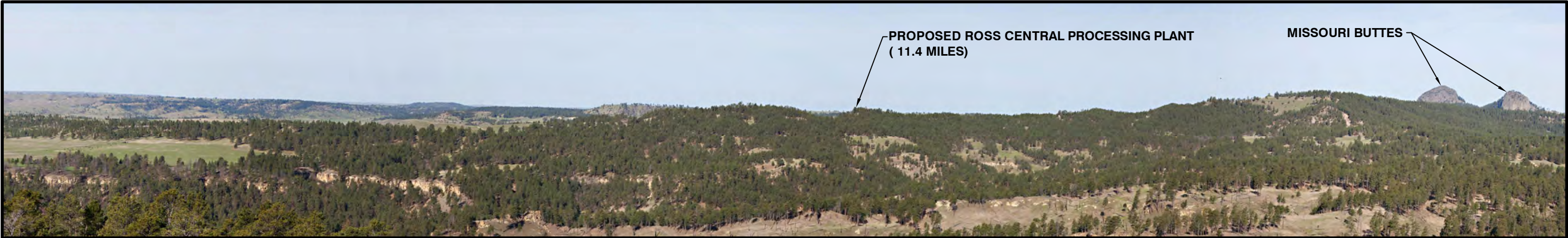
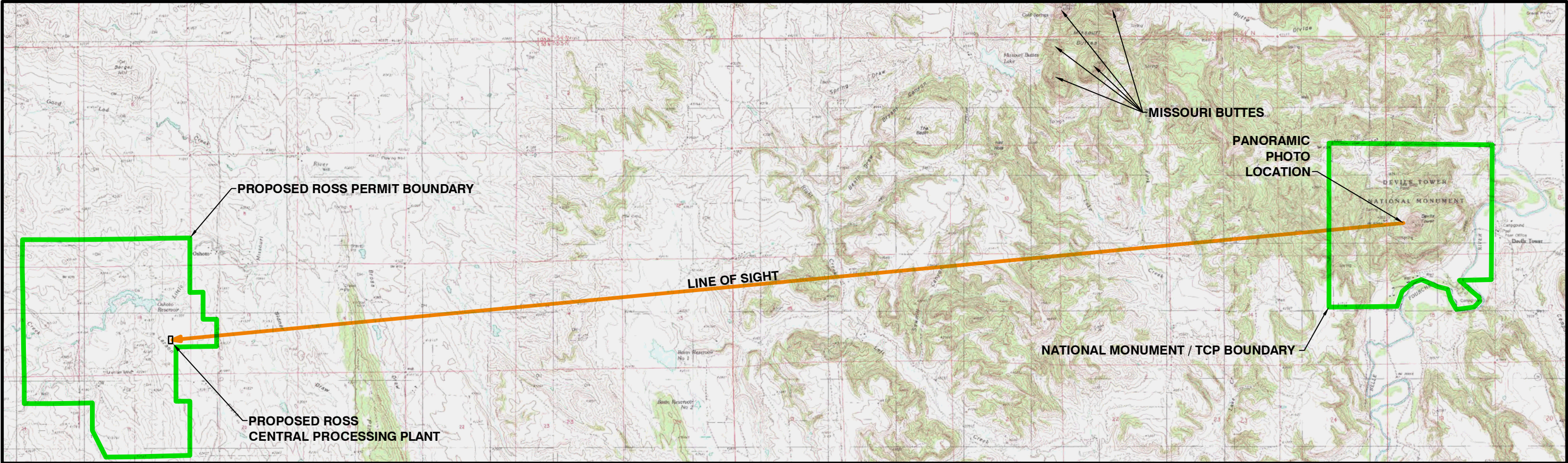


Figure 3. Viewshed Analysis

VIEWSHED IMPACT ANALYSIS



PANORAMIC PHOTO FROM BASE OF DEVILS TOWER



PLAN VIEW OF DEVILS TOWER AND PLANT SITE

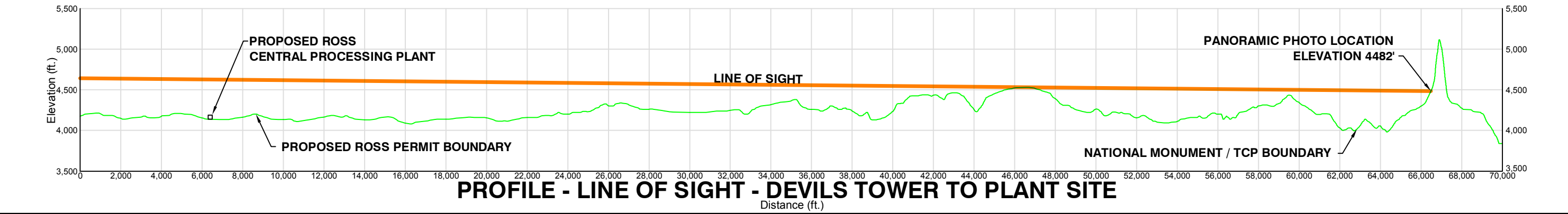


Figure 4. Viewshed Impact Analysis.

APPENDIX A
Request For Proposal
From NRC Including List of Potential Consulting
Parties

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

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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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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,

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

Distribution: JSaxton CSafford BVonTill

ML113200121

OFC	DWMEP	DWMEP	DWMEP	OGC	DWMEP
NAME	ABjornsen	JDavis	AWalker-Smith	MBarkman-Marsh via email	KHsueh
DATE	11/28/11	11/28/11	12/02/11	12/02/11	12/06/11

OFFICIAL RECORD COPY

cc:

Mr. James A. Bashor
Geologist
Bureau of Land Management
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Ms. Mary M. Hopkins
State Historic Preservation Officer
2301 Central Avenue
Cheyenne, WY 82002

Ms. Dorothy FireCloud
Superintendent
Devils Tower National Monument
P.O. Box 10
Devils Tower, WY 82714

Mr. John Yellow Bird Steele, President
Oglala Sioux Tribe
P.O. Box 2070
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