

StrataRossLAPEm Resource

From: Moore, Johari
Sent: Thursday, June 28, 2012 10:59 AM
To: 'richard.currit@wyo.gov'
Subject: NRC Response to Strata Energy, Inc. Letter Regarding Ross Project Section 106
Attachments: 5-18-12 ltr from Strata.pdf; NRC 6-27-12 Response to Strata 5-18-12 Ltr.pdf; Enclosure 1 - NRC 6-27-12 Response to Strata 5-18-12 Ltr.pdf

Richard,

On May 18, 2012, Strata sent a letter to the NRC regarding the Section 106 activities for the Ross Project. The NRC's response will be mailed to Strata today. Attached, please find a copy of Strata's letter. You can find our response in the NRC's online document database (ADAMS - <http://adams.nrc.gov/wba/>) under Accession Number **ML12142A129**. For your convenience, I have attached the cover letter and the main enclosure of our response. The other enclosures are letters you have received previously. However, please let me know if I should forward you copies of the other enclosures for your convenience.

Please contact me if you have any questions.

Thank you,

Johari A. Moore
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May 18, 2012

Kevin Hsueh
Branch Chief
Environmental Review Branch
US Nuclear Regulatory Commission
Mail Stop T-8F5
Washington, DC 20555

RE: Review of Impacts to Cultural Resources from the Proposed Ross ISR Project as Defined by Section 106 of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA)

Dear Mr. Hsueh:

On behalf of Strata Energy, we have appreciated working with you and your staff over the past year and believe significant progress has been achieved. While I am still trying to get integrated into this project, I am writing to request clarification regarding the current status of the Section 106 process being conducted in conjunction with Strata's application for a Combined Source and 11e.(2) Byproduct Material License for the Ross ISR Project (Ross Project) in northeastern Wyoming. In our April 12, 2012 meeting, both you and Johari provided valuable information, particularly when it was indicated that the Environmental Review Branch (ERB) did not envision the Section 106 Tribal consultation process delaying issuance of the Draft SEIS. The following is my understanding of events that have led to this critical point, some questions that have arisen during my brief tenure with Strata, and some suggested paths forward for your consideration.

Ross Project Section 106 History

November 19, 2010 - The Section 106 process for the Ross Project was informally initiated with a letter from NRC to 14 Native American Tribes advising them of Strata's intent to submit an application for the Ross Project, and providing the Tribes with an opportunity to discuss the project and any concerns. This letter does not appear to have been provided to the Wyoming State Historic Preservation Office (WSHPO) or the Advisory Council on Historic Preservation (ACHP).

February 9, 2011 – NRC sent a letter to 24 Tribes entitled "Invitation for Formal Section 106 Consultation...". This letter does not appear to have been provided to WSHPO or ACHP.

July 26, 2011 - NRC sent a notice to "interested parties," including 24 Tribes, of the opportunity to request a hearing or petition to intervene on the Ross Application, as it had been found administratively complete and acceptable for technical review. This notice does not appear to have been provided to WSHPO or ACHP.

August 11, 2011 - NRC sent a letter to 22 Tribes inviting them to attend a September 13-14 site visit and Section 106 Consultation for the Ross Project. The letter was copied to the WSHPO, but is not directed to WSHPO and does not formally invite WSHPO participation. The letter was not directed or copied to ACHP. It is important to note that as of this point, a letter to either WSHPO or ACHP formally initiating the Section 106 process had not been sent and the process had not "officially" begun.

August 19, 2011 – NRC sent letters to WSHPO and ACHP formally notifying them of initiation of the Section 106 process for the Ross Project.

September 13-14, 2011 - 4 tribes attended the first site visit and Section 106 Consultation for the Ross Project. WSHPO representatives did not attend.

September 20, 2011 – NRC sent an email to 17 Tribes as follow up to the September 13-14 site visit/consultation stating that there would be a "second and final site walkover" and consultation on October 26-27, 2011.

September 29, 2011 – Strata sent follow-up letters and packets to tribes currently listed as having a potential interest in the project or whose level of interest was yet undetermined. Packets included information provided at the September 13 site visit, as well as additional information requested by attending Tribes during the site visit.

October 7, 2011 – NRC sent an email to 17 tribes, notifying them that the date for the upcoming site visit was changed from October 26-27 to November 2-3, 2011.

October 7 - 21, 2011 – Email correspondence was sent between tribes and NRC regarding a change in the date for the next site visit/consultation from October 26-27 to November 2-3, 2011. Several tribes expressed concern about their inability to attend the Ross consultation due to conflicting consultations on November 2-3.

November 2-3, 2011 – 4 tribes attended the second site visit and Section 106 Consultation for the Ross Project. The record does not show that WSHPO representatives attended.

December 6, 2011 – NRC sent a letter to Strata requesting a written proposal for acquiring information regarding potentially eligible sites of traditional cultural significance in the project area. The letter was copied to WSHPO and 15 tribes.

Strata Response to NRC Request for Proposal

In January 2012, Strata submitted a letter to the NRC indicating its intent to issue a request for proposals to conduct a cultural resources assessment at the Ross site. In that letter, Strata stated the intent to issue the 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. In the letter, Strata stated its belief that issuance of such an RFP would result in selection of a qualified consultant, a better end product, and improved concurrence among the consulting parties.

Strata's RFP was issued on February 20, 2012, with responses requested by March 9. On March 6, 2012, Strata was advised via teleconference with NRC that NRC had decided to issue a Scope of Work to its EIS contractor to conduct the work necessary to complete the Section 106 process. Strata requested formal notification of this course of action but, to date, has received no such notification.

As of March 9, Strata had received two proposals from qualified contractors interested in performing the work described in the RFP. Strata has not yet responded to those proposals, since we are uncertain as to the scope of work NRC will have its EIS contractor perform (or subcontract) those duties.

Requests for Clarification

As you are aware, time is of the essence in advancing the Section 106 process and avoiding delays to the overall licensing process. NRC has previously stated a desire to avoid such delays, as well. In the interest of adhering to the current project review schedule, which projects issuance of the draft SEIS on or before January 10, 2013, Strata therefore submits the following requests for clarification:

1. What is the current status of Section 106 compliance? Based upon our understanding of the process, it appears that we are still in step two: "Identification of Historic Properties."
2. Have evaluations for potentially eligible sites of traditional cultural significance been submitted to WSHPO? If so, has WSHPO concurred with those evaluations?
3. Is the cultural resources/ethnographic assessment data associated with eligible sites of traditional cultural significance the only outstanding item for completion of the Section 106 package?
4. Will the NRC's EIS contractor complete the cultural resources/ethnographic study work?
5. If the EIS contractor will complete the cultural resources/ethnographic study work:
 - a. What is the scope of said work?
 - b. Will Strata have the opportunity to review the scope prior to the award for said work?
 - c. What is the schedule, including specific dates and milestones, for completion of said work? How does that schedule intersect with the overall schedule for issuance of the draft SEIS?
 - d. What is the total estimated number of hours required to complete said work?
 - e. What bounding conditions will be placed on site activities in conjunction with completion of said work?
6. It was suggested by NRC staff in March 14, 2012 that an update on the status of the Section 106 process be sent to all consulting parties on a monthly basis. When will this practice be initiated?

In addition to the questions listed above, Strata further wishes to reiterate the following questions and/or requests for information from our previous letter to you dated January 12, 2012. Strata believes these questions must be answered in order for a qualified consultant to prepare an accurate and comprehensive assessment of potentially eligible sites of traditional cultural significance in the Ross Area of Potential Effect (APE):

1. Will the NRC be present should the consultant and consulting parties elect to include a site visit(s) in the assessment? Has a date been circulated among the consulting parties on when any site visits might occur?
2. Strata requests that the NRC issue a formal map and description of the APE as determined by consultation between NRC and WSHPO (per 36 CFR 800.4(a)), in order to define the boundaries within which ethnographic and field survey work will be conducted.

In keeping with its core values, Strata continues to strive to set the standard for the industry with regard to best practices in ISR licensing and public outreach, including activities associated with the Section 106 process. While Strata understands that Section 106 consultation is a "government-to-government" process between the Tribes and NRC, Strata wishes to support and facilitate that process by encouraging proactive communications to engender strong trust relationships between all parties. To that end, Strata respectfully requests that NRC provide written clarification to the questions detailed above at the earliest possible opportunity.

NRC has consistently stressed the importance of communication, particularly in regards to successful Tribal consultations. We heard this most recently at the NRC/NMA Uranium Recovery Conference. In light of this emphasis, we would request that NRC increase the amount of communication with all consulting parties.

The Strata team appreciates the opportunity to bring these requests for clarification to 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. We look forward to your response.

Best regards,



Ralph Knode
Chief Executive Officer

cc: Senator Mike Enzi
Senator John Barrasso
Representative Cynthia Lummis
Larry Camper
Director, NRC Division of Waste Management and Environmental Protection
Drew Persinko
Deputy Director, Environmental Protection and Performance Assessment
Directorate

June 27, 2012

Mr. Ralph Knode, Chief Executive Officer
Strata Energy, Inc.
1900 W. Warlow Dr. Bldg A
P.O. Box 2318
Gillette, WY 82717

SUBJECT: STATUS OF SECTION 106 COMPLIANCE FOR STRATA ENERGY, INC.
PROPOSED ROSS *IN-SITU* RECOVERY PROJECT, CROOK COUNTY,
WYOMING (DOCKET 040-09091)

Dear Mr. Knode:

The U.S. Nuclear Regulatory Commission (NRC) has received your letter, dated May 18, 2012, requesting responses to questions related to the NRC staff's review of impacts to cultural resources, as defined by Section 106 of the National Historic Preservation Act (NHPA) and by the National Environmental Policy Act (NEPA), from the proposed Ross *In-Situ* Recovery Project (Ross Project). Our response to each of your questions is provided in Enclosure 1 appended to this letter.

In your letter, you indicated that the Section 106 process for the proposed Ross Project had not officially begun until the August 19, 2011, letter to the Advisory Council on Historic Preservation (ACHP) was issued (Enclosure 2). Please note that the Section 106 process for the Ross Project began when the NRC's February 9, 2011, letter was sent to Tribal leaders to invite them to become consulting parties for the proposed Ross Project; this letter was used to officially initiate the Section 106 process (Enclosure 3). The main purpose of the August 19, 2011, letters to the ACHP and the Wyoming State Historic Preservation Office (WSHPO) (Enclosures 2 and 4) was to inform them of the NRC's intent to conduct the Section 106 process through the NEPA process.

After issuing the Section 106 consultation invitation letter to Tribal leaders in February 2011, the NRC staff followed-up with Native American tribes (Tribes) with ties to the Ross Project area via telephone and email to determine their interest in participating in the NRC's Section 106 process as consulting parties. The NRC staff provided the Tribes with information on the Ross Project, including copies of the Baseline Cultural and Paleontological Resource Survey report that was provided to the NRC by Strata as part of its license application; Strata is currently in the process of revising this Survey report for NRC review. Currently, there are 23 Tribes consulting in the Section 106 process for the Ross Project. In September 2011 and November 2011, the NRC staff, with support from Strata, conducted site visits to the Ross Project site, as well as consultation meetings, with Tribal representatives. During these consultation meetings and site visits, Tribal representatives indicated that a survey of the Ross Project site should be conducted by the Tribes in order to identify potentially eligible sites of religious and cultural significance. During the November 2011 site visit, Strata indicated that it would be willing to

support such a survey. The NRC subsequently requested that Strata provide a proposal for acquiring information on potentially eligible sites of religious and cultural significance to Tribes. Following the NRC staff's request that Strata provide a proposal, the NRC staff has been working with Strata, the Tribes, and other consulting parties to develop and implement a plan for conducting this survey.

We recognize the importance of conducting the Section 106 process in an efficient and effective manner. We also recognize the importance of respecting and maintaining the unique government-to-government relationship between the NRC and the Tribes. It is also important for the NRC staff to continue to make a "reasonable and good faith effort" to identify historic properties that are of religious and cultural significance to interested Tribes and to conduct other activities in accordance with Part 800 of Title 36 of the *Code of Federal Regulations*. The NRC staff has incorporated lessons learned from our past reviews, and continues to make improvements in our review process as we progress. We appreciate your feedback and suggestions on the review process.

In your letter, you requested that the NRC increase the amount of communication with all consulting parties. The NRC staff values the importance of effective communication. For example, the NRC staff has held periodic project-manager-to-project-manager teleconferences as well as public meetings with your staff. In addition, the NRC staff has held periodic face-to-face meetings and teleconferences with staff from the WSHPO, the ACHP, and the Bureau of Land Management (a Cooperating Agency on the NRC's NEPA and NHPA Section 106 reviews for the Ross Project). The purpose of these meetings has been to keep staff from these offices updated on the status of the uranium recovery projects, including the proposed Ross Project, currently being reviewed by the NRC staff, and to discuss emerging NHPA Section 106 issues. Additionally, the NRC provided a letter to the ACHP, dated January 31, 2012, which described the NRC staff's consultation efforts with Tribes for the Ross Project (Enclosure 5). To improve communication with consulting parties on all of our ongoing uranium recovery projects, we recently issued our first status update (in May 2012) on the NRC staff's NEPA and NHPA Section 106 activities to consulting parties (Enclosure 6). We intend to issue these updates periodically. These periodic updates include a list of key NEPA and Section 106 milestones for each of the uranium recovery projects currently being reviewed by the NRC staff, with the intent that this information will help the consulting parties plan their resources accordingly. Further, we plan to begin holding quarterly teleconferences between NRC staff management and Strata management to provide status updates and discuss issues related to the NRC staff's environmental and safety reviews.

If you have any further questions or comments, or need any additional information, please contact Ms. Johari Moore of my staff by telephone at 301-415-7694 or email at Johari.Moore@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, 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

Enclosures:

1. NRC Responses to Strata's Requests for Clarification and Additional Questions
2. NRC Letter to the ACHP dated 08/19/11
3. NRC Invitation Letter for Section 106 Consultation dated 02/09/11
4. NRC letter to WSHPO dated 08/19/11
5. NRC letter to the ACHP dated 01/31/12
6. NRC Periodic NEPA and NHPA Status Update for Uranium Recovery Projects dated 05/23/12

cc: B. Schiffer, WWC
M. Butcher, PBC&SS
J. Bashor, BLM
A. Tratebas, BLM
Senator Mike Enzi
Senator John Barrasso
Representative Cynthia Lummis

If you have any further questions or comments, or need any additional information, please contact Ms. Johari Moore of my staff by telephone at 301-415-7694 or email at Johari.Moore@nrc.gov.

Sincerely,

Kevin Hsueh, 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

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OFC	DWMEP	DWMEP	OGC	DWMEP	DWMEP	DWMEP	DWMEP
NAME	JMoore	AWalker-Smith	MAIbert	JDavis	KHsueh	DPersinko	KHsueh
DATE	5/21/12	5/21/12	6/1/12	6/5/12	6/6/12	6/21/12	6/27/12

NRC Responses to Strata's Requests for Clarification and Additional Questions

Requests for Clarification:

- 1. What is the current status of Section 106 compliance? Based upon our understanding of the process, it appears that we are still in step two: "Identification of Historic Properties."**

The National Historic Preservation Act Section 106 process for the proposed Ross *In-Situ* Recovery Project (Ross Project) is being conducted by the U.S. Nuclear Regulatory Commission (NRC) staff using the following four steps:

Step 1: Initiation of the Section 106 Process

Step 2: Identification of Historic Properties

Step 3: Assessment of Adverse Effects

Step 4: Resolution of Adverse Effects

As indicated in letters to the Wyoming State Historic Preservation Office (WSHPO) and to the Advisory Council on Historic Preservation (ACHP), dated August 19, 2011, the NRC is conducting the process required by Section 106 of the National Historic Preservation Act through its National Environmental Policy Act review. Currently, for the Ross Project, the NRC is engaged in Step 2: Identification of Historic Properties.

- 2. Have evaluations for potentially eligible sites of traditional cultural significance been submitted to WSHPO? If so, has WSHPO concurred with those evaluations?**

During the NRC's Section 106 consultation meetings held with representatives from interested Native American tribes (Tribes) on September 14, 2011, and November 3, 2011, several Tribes indicated that a survey of the Ross Project site should be conducted by the Tribes in order to identify potentially eligible sites of religious and cultural significance to Tribes. This survey has been referred to as a "Traditional Cultural Properties (TCP) survey." The NRC also identified the need, as stressed by Strata Energy, Inc. (Strata), for an ethnographic study to provide context for a TCP survey.

As indicated above, the NRC is engaged in the identification phase of the Section 106 process, which includes identifying potentially eligible sites of religious and cultural significance to Tribes. These sites have not yet been identified. Evaluations of adverse effects to potentially eligible sites cannot be prepared for WSHPO concurrence until the sites are identified. Therefore, evaluations for potentially eligible sites of religious and cultural significance to Tribes have not yet been submitted to WSHPO for concurrence.

- 3. Is the cultural resources/ethnographic assessment data associated with eligible sites of traditional cultural significance the only outstanding item for completion of the Section 106 package?**

In order to complete Step 2 of the Section 106 process, the NRC plans to do the following:

- a. Complete an ethnographic study in order to provide context for and to inform the scope of a TCP survey.

- b. Offer interested Tribes an opportunity to conduct a TCP survey of the Ross Project site to identify sites of religious and cultural significance.
- c. Conduct an acceptance review of Strata's final Cultural and Paleontological Resource Survey report. RAI Cultural-1 of the NRC's Requests for Additional Information (RAIs), which were submitted to Strata in a letter dated January 25, 2012, lays out the additional information that the NRC needs with respect to Strata's Baseline Cultural and Paleontological Resource Survey. Strata indicated, during the NRC's public meeting on April 12, 2012 and during subsequent project-manager-to-project-manager teleconferences, that the response to this RAI is still being developed.

The Section 106 process is complete once Steps 1 through 4 of the NHPA Section 106 review process have been completed.

4. Will the NRC's Environmental Impact Statement (EIS) contractor complete the cultural resources/ethnographic study work?

The NRC has enlisted a contractor to assist in the preparation of a Supplemental Environmental Impact Statement (SEIS) to assess the environmental impacts of the proposed Ross Project. The NRC is using this contractor to conduct an ethnographic study and to coordinate and participate with Tribes as part of the NRC's effort to conduct a TCP survey of the Ross Project site. The NRC does not intend to use its contractor to conduct the cultural resources work that Strata has indicated that it is currently conducting in order to respond to RAI Cultural-1.

During the NRC's September 2011 and November 2011 Section 106 consultation meetings with Tribal representatives, several Tribes indicated that a TCP survey of the Ross Project site should be conducted. During the November 2011 site visit, Strata indicated that it would be willing to support a TCP survey. Therefore, by letter dated December 6, 2011, the NRC requested that Strata provide a written proposal to the NRC for acquiring information on TCPs. Via this letter, the NRC was seeking to receive a Scope of Work (SOW) from Strata for the TCP survey that would be shared with the Tribes for use as a starting point in the negotiation of a final SOW that the NRC, Strata, and the Tribes could agree to use. In an email dated December 8, 2011, the NRC shared a SOW with Strata that was developed for the Ross Project by a consulting Tribe and offered it as an example to help facilitate Strata's preparation of a SOW. However, Strata has not provided a written proposal for acquiring information on TCPs or a SOW for the TCP survey to the NRC.

Strata indicated during project-manager-to-project-manager teleconferences that it would need to solicit support from an outside consultant to develop a SOW for a TCP survey and that an ethnographic study should first be conducted in order to help determine the scope of the TCP survey. Therefore, Strata responded to the NRC's December 6, 2011, letter by providing the NRC with a draft and then later a final request for proposals (RFP) that Strata intended to issue in order to solicit support to conduct a cultural resources assessment at the Ross Project site. The RFP indicated that Strata's consultant would participate in activities such as interviewing Tribes as part of the ethnographic study, developing a Tribal outreach plan, and participating in the TCP survey. While Strata's effort to obtain expert support for engaging with the Tribes was commendable, the NRC has been informed repeatedly, during Section 106 consultation with Tribes regarding this project and other proposed uranium recovery projects, that Tribes are reluctant to work with a third party consultant employed by an applicant. This information was communicated to Strata by the NRC during project-manager-to-project-manager telephone calls. Tribal representatives also communicated to the NRC that the Tribes would not be able to

work together amicably if one of the Tribes were to respond to the RFP and be hired by the applicant. This information was also communicated to Strata by the NRC during project-manager-to-project-manager telephone calls.

Because the NRC staff would like to be responsive to both Strata's and the Tribes' concerns and to continue to have an effective Section 106 consultation, the NRC staff determined that it would use its own contractor to work with the Tribes and to support the Section 106 activities for the Ross Project. This information was communicated to Strata by the NRC during project-manager-to-project-manager telephone calls. Subsequently, the NRC was working on modifying the contract between the NRC and its contractor to expand the scope of Section 106 support activities to be performed by the contractor. This information was communicated with Strata during project-manager-to-project-manager telephone calls, as well as during the NRC's April 12, 2012, public meeting.

The contract modification (expanding the scope of the NRC's contract to include the Section 106 work) was finalized on May 29, 2012. The NRC sent Strata information about the finalized contract modification in an email dated May 31, 2012. The NRC's contractor is currently finalizing an ethnographic study of the Ross Project area and consulting with the Tribes to determine their information needs and their availability to conduct a TCP survey during the summer 2012. This information has been communicated with Strata during project-manager-to-project-manager telephone calls.

5. If the EIS contractor will complete the cultural resources/ethnographic study work:

a. What is the scope of said work?

The scope of the work is to conduct an ethnographic study and to support a TCP survey. The specific task descriptions were provided to Strata by the NRC in an email dated May 31, 2012.

b. Will Strata have the opportunity to review the scope prior to the award for said work?

Strata indicated to the NRC during project-manager-to-project-manager telephone calls, as well as during the April 12, 2012, public meeting, that it would like to review the scope and cost of the cultural resources/ethnographic study work that will be completed by the NRC contractor. The NRC indicated during these calls that the NRC can share with Strata the scope and total cost of the additional work once the contract modification is completed. The contract modification was completed on May 29, 2012. The NRC sent Strata, in an email dated May 31, 2012, a description of the scope and total cost of the Section 106 work to be completed by the NRC contractor.

c. What is the schedule, including specific dates and milestones, for completion of said work? How does that schedule intersect with the overall schedule for issuance of the draft SEIS?

The schedule, including milestones, was provided to Strata by the NRC in an email dated May 31, 2012. The NRC currently plans to gather enough information from the Section 106 process in order to be able to include a description of impacts to cultural resources within the Draft SEIS, which is scheduled to be issued in January 2013.

d. What is the total estimated number of hours required to complete said work?

The total estimated number of hours was provided to Strata by the NRC in an email dated May 31, 2012.

e. What bounding conditions will be placed on site activities in conjunction with completion of said work?

The bounding conditions to be placed on site activities conducted during the TCP survey (i.e., the scope of the TCP survey) will be developed by the NRC (with support from the NRC contractor) in consultation with the Tribes and Strata. The NRC requested, in its letter to Strata dated December 6, 2011, that Strata provide a proposal for acquiring information on TCPs. The NRC indicated to Strata, during subsequent project-manager-to-project-manager telephone calls, that this proposal should include any bounding conditions that Strata might wish to have placed on the TCP survey so that the NRC could negotiate these bounding conditions with the Tribes. To date, the NRC has not received a SOW or a list of bounding conditions from Strata. The NRC looks forward to working with Strata and the Tribes in the near future to define the scope of the TCP survey.

6. It was suggested by NRC staff in March 14, 2012, that an update on the status of the Section 106 process be sent to all consulting parties on a monthly basis. When will this practice be initiated?

The NRC staff plans to issue this update on the status of the Section 106 process on a periodic basis instead of on a monthly basis. The first status update was issued on May 23, 2012.

Additional Questions:

1. Will the NRC be present should the consultant and consulting parties elect to include a site visit(s) in the assessment? Has a date been circulated among the consulting parties on when any site visits might occur?

As indicated in the October 18, 2011, public meeting, the NRC plans to have NRC staff present during the survey of the Ross Project site to identify sites of religious and cultural significance to Tribes (i.e., the TCP survey). As indicated in the May 23, 2012, status report and as communicated via telephone with Strata and other consulting parties, the target timeframe for the TCP survey to be completed is the summer of 2012.

2. Strata requests that the NRC issue a formal map and description of the area of potential effect (APE) as determined by consultation between NRC and WSHPO (per 36 CFR 800.4(a)), in order to define the boundaries within which ethnographic and field survey work will be conducted.

As indicated in the letters to WSHPO and ACHP, dated August 19, 2011, the current APE for this review is the area at the Ross Project site and its immediate environs, which may be impacted by activities associated with the construction and operation of the proposed facility. It is the NRC's understanding that Strata is reinvestigating its viewshed analysis in order to support the NRC's determination as to whether and to what extent the APE might be expanded

in order to account for adverse visual effects to eligible sites. The NRC staff will work with staff from the Bureau of Land Management and WSHPO to respond to this request after we receive the viewshed analysis from Strata.