

March 22, 2013

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building, Suite 803
1100 Pennsylvania Avenue, NW
Washington, DC 20004

SUBJECT: NOTICE OF AVAILABILITY AND REQUEST FOR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE ROSS IN-SITU RECOVERY PROJECT IN CROOK COUNTY, WYOMING, SUPPLEMENT TO THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR IN-SITU LEACH URANIUM MILLING FACILITIES

Dear Mr. Nelson:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing a source materials license application submitted by Strata Energy, Inc. (Strata), for the construction, operation, aquifer restoration, and decommissioning of the proposed Ross In-Situ Recovery (ISR) Project (Ross Project). The facility is proposed to be located in Crook County, Wyoming.

As part of the review of the application, the NRC staff has prepared a Draft Supplemental Environmental Impact Statement (SEIS) (NUREG-1910, Supplement 5). The Draft SEIS includes an analysis of relevant environmental issues, including potential impacts on historic and cultural resources, and documents the NRC staff's preliminary determination regarding the environmental impacts from the construction, operation, and decommissioning of the Ross Project.

The NRC staff is complying with its obligations under Section 106 of the *National Historic Preservation Act of 1966*, as amended (NHPA), using the process set forth in Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c). Pursuant to 36 CFR 800.8(c), the NRC staff is using the preparation of the SEIS required by the National Environmental Policy Act of 1969, as amended (NEPA), to comply with its obligations under Section 106 of the NHPA. The NRC staff is using 36 CFR 800.8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6.

In the context of NEPA, under which the Draft SEIS has been prepared, the NRC staff's determination is that the impact on historical and cultural resources from the construction, operation, aquifer restoration, and decommissioning of the proposed Ross Project would be SMALL to LARGE. This range of impact finding is due, in part, to the NRC staff's ongoing consultation with various interested Native American tribes regarding cultural sites that may be impacted by the Ross Project. Results of this ongoing consultation will be documented in the Final SEIS.

The NRC staff is enclosing the Draft SEIS for your review and comment. Please provide any information, comments, or concerns you may have on the Draft SEIS during the comment period, which ends on May 13, 2013 (or 45 days after the date of publication of the *Federal Register* notice). Comments should be submitted in writing either by mail to Cindy Bladey, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (include Docket ID NRC-2011-0148 in the subject line) or under Docket ID NRC-2011-0148 at <http://www.regulations.gov> after March 29, 2013. The NRC staff will address your comments in the Final SEIS.

The NRC Agencywide Documents Access and Management System (ADAMS) (<http://www.nrc.gov/reading-rm/adams.html>) accession number for the Draft SEIS is ML13078A036. The Draft SEIS also may be accessed on the internet at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1910/>. Additional documents related to this application may be accessed on the Ross Project licensing website: <http://www.nrc.gov/materials/uranium-recovery/license-apps/ross.html>.

If you have any questions or require additional information, please contact Ms. Johari Moore, Project Manager, by phone at 301-415-7694, or by e-mail 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

Docket No.: 40-9091

Enclosure:
Draft SEIS (CD Copy)

The NRC staff is enclosing the Draft SEIS for your review and comment. Please provide any information, comments, or concerns you may have on the Draft SEIS during the comment period, which ends on May 13, 2013 (or 45 days after the date of publication of the *Federal Register* notice). Comments should be submitted in writing either by mail to Cindy Bladey, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (include Docket ID NRC-2011-0148 in the subject line) or under Docket ID NRC-2011-0148 at <http://www.regulations.gov> after March 29, 2013. The NRC staff will address your comments in the Final SEIS.

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If you have any questions or require additional information, please contact Ms. Johari Moore, Project Manager, by phone at 301-415-7694, or by e-mail 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

Docket No.: 40-9091

Enclosure:
 Draft SEIS (CD Copy)

ML13067A071

Office	DWMEP	DWMEP	DWMEP
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Date	3/11/13	3/11/13	3/22/13

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