

September 19, 2013

Ms. Gail Hubeling
Yankton Sioux Tribe Councilwoman
Tribal Historic Preservation Office (acting)
100 Main Avenue, S.W.
P.O. Box 1153
Wagner, SD 57380

SUBJECT: NOTIFICATION OF INTENT TO PREPARE A PROGRAMMATIC AGREEMENT
FOR THE STRATA ENERGY, INC. PROPOSED ROSS IN SITU RECOVERY
PROJECT IN CROOK COUNTY, WYOMING

Dear Ms. Hubeling:

As you are aware, by letter dated January 4, 2011, the U.S. Nuclear Regulatory Commission (NRC) received an application from Strata Energy, Inc. (Strata) for a source materials license to authorize Strata to construct and operate an in situ uranium recovery (ISR) facility at the proposed Ross Project site in Crook County, Wyoming. The proposed project area is 1,721 acres. The area of potential effect (APE) 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.

In 2010, GCM Services, Inc. (GCM), a consultant for Strata, conducted a cultural resource inventory of the proposed site and conducted additional testing in 2011, 2012, and 2013. Twenty-four cultural properties and one previously recorded site were identified by GCM. In May 2013, representatives from the Crow Creek Sioux Tribe, the Northern Cheyenne Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Turtle Mountain Band of Chippewa Indians, and the Yankton Sioux Tribe conducted a survey of the proposed site. In June 2013, representatives from the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Arapaho Tribe, the Fort Belknap Indian Community, and the Eastern Shoshone Tribe conducted a survey of the proposed site. The NRC staff is currently consolidating the information received from the Native American tribes (Tribes) that participated in the surveys into a report. Preliminarily, 17 TCPs, 1 plant gathering area, and 4 cultural properties were identified within the APE by the tribal representatives.

Although the proposed project area is 1,721 acres, the direct disturbance areas of the proposed project would encompass a smaller portion of the site and many of the cultural properties that have been identified within the APE are not located within the proposed direct disturbance areas. Also, several of the cultural properties that are not located within the proposed direct disturbance areas have not yet been evaluated for eligibility for the National Register of Historic Places. The NRC staff, in consultation with the Wyoming State Historic Preservation Office (SHPO) and Strata, has decided to defer testing of the unevaluated sites as well as mitigation planning for any eligible sites until such time as Strata determines that the areas where these sites are located will be impacted by the proposed project activities. The NRC staff will develop a Programmatic Agreement (hereafter Agreement) with the Wyoming SHPO, Strata, and the Bureau of Land Management (a Cooperating Agency with the NRC for the National Historic Preservation Act of 1966 Section 106 review) to document the activities that will be deferred.

Because your Tribe is a consulting party pursuant to the National Historic Preservation Act regarding the NRC staff's review of Strata's license application for the Ross Project, the NRC staff extends an invitation to you to be a party to the Agreement. If you would like to be a party to the Agreement, please notify us as soon as possible. The NRC staff anticipates that it will hold a 2-hour weekly meeting via webinar for 4 to 6 weeks beginning in mid-October to develop the Agreement. Therefore, if you would like to be a party to the Agreement, please provide the name of an individual that will be available to participate in the meetings to develop the Agreement. If a response is not received within 15 days of receipt of this letter, the NRC staff will assume that your Tribe does not wish to be a party to the Agreement.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or require additional information, please contact Ms. Johari Moore at (301) 415-7694, or 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

cc: Thurman Cournoyer, Sr. Chairperson

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