

December 4, 2014

Mr. Richard L. Currit
Senior Archaeologist
Wyoming State Historic
Preservation Office
2301 Central Avenue
Barrett Building, Third Floor
Cheyenne, WY 82002

SUBJECT: STRATA ENERGY, INC. – ROSS IN SITU URANIUM RECOVERY
PROJECT – PROGRAMMATIC AGREEMENT IMPLEMENTATION –
TRANSMITTING REVISED TRIBAL FIELD SURVEY REPORT
(SHPO File # 0313RLC005)

Dear Mr. Currit:

With this letter, the U.S. Nuclear Regulatory Commission (NRC) is providing you with the revised *Tribal Field Surveys in the Ross Project Area* report (*Tribal Field Surveys in the Ross Project Area – Revised 11-2014*) for your review. We are also requesting your concurrence on the NRC's determinations of eligibility for listing sites in the National Register of Historic Places (NRHP).

Representatives of the Cheyenne and Arapaho Tribes of Oklahoma, the Crow Creek Sioux Tribe, the Eastern Shoshone Tribe, the Fort Belknap Indian Community, the Northern Arapaho 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 performed two Tribal field surveys (Class III cultural resource inventories) within the Ross In Situ Uranium Recovery (ISR) Project (Ross Project) area in May and June 2013. The purposes of these surveys were for the Tribes to: (a) identify and record sites of religious and cultural significance to Tribes within the 1,721-ac Ross Project area; (b) make recommendations regarding the sites' NRHP eligibility; (c) provide a preliminary identification of potential effects of the Ross Project to the sites considered NRHP-significant by the Tribes; and (d) make preliminary recommendations of strategies to mitigate any adverse effects.

By letter dated March 6, 2014, and in follow-up letters dated March 27, 2014, and April 8, 2014, the NRC provided you with the original *Tribal Field Surveys in the Ross Project Area* report, for your review and concurrence on the NRC's NRHP eligibility determinations. In your response letter dated May 5, 2014, you indicated that you could not concur on the NRC's eligibility determinations because required components of the Wyoming Cultural Properties Forms were missing and because you were concerned with the methodology used in evaluating the sites for NRHP eligibility. Although we do not agree that the Wyoming Cultural Properties Forms are required, as a good faith effort to provide you with our eligibility determinations for your concurrence, we have revised the report to include the additional components you have requested. Additionally, to address your concerns regarding the eligibility determinations, we have revised the report to provide additional information to support our eligibility determinations

and to clarify the methodology used. Some of the additional information included in the revised report is information provided to the NRC by consulting Tribes during conversations to discuss the concerns you raised in your May 5, 2014, letter. It is our hope that this revised report will address your concerns and allow us to move forward to begin assessing and resolving adverse effects to historic properties.

Eleven sites have been determined by the NRC to be ELIGIBLE for inclusion on the NRHP under Criterion A: Sites 48CK2070, 48CK2080, 48CK2087, 48CK2089, 48CK2214, 48CK2215, 48CK2218, 48CK2219, 48CK2220, 48CK2222, and 48CK2227. Site 48CK2227 is determined to be ELIGIBLE as a NRHP District. Four previously recorded sites, 48CK2070, 48CK2080, 48CK2087, and 48CK2089, have newly identified features of Tribal concern and were evaluated as ELIGIBLE for the NRHP under Criterion A. These sites remain UNEVALUATED under Criterion D. The NRHP eligibilities of four sites identified during the Tribal field surveys are UNEVALUATED: 48CK2216, 48CK2217, 48CK2223 and 48CK2224. Please note that, in our original report, we determined sites 48CK2216 and 48CK2217 to be ELIGIBLE. The remaining 3 of the 18 sites newly recorded or expanded by the Tribal surveys (48CK2221, 48CK2225, and 48CK2226) have been determined to be NOT ELIGIBLE for the NRHP under Criterion A; no further management attention is required for these three sites. Site 48CK2076 has been determined to be UNEVALUATED under Criteria A and D

Based on the maps of proposed effects provided by Strata, the NRC has made a preliminary assessment of potential direct effects to ELIGIBLE traditional cultural sites identified within the Project area. Direct effects will include a variety of ground disturbances, such as well installation (e.g., to delineate subsurface uranium mineralization, to inject and recover lixiviant and other solutions, to monitor ground-water resources, and to dispose of liquid byproducts), pipeline and utility line burial, Central Processing Plant and other Ross Project structures (e.g., modular header structures) construction, topsoil and spoils pile management, and laydown-area and road construction. Because specific locations for some of these activities have not been identified, the effects of the Project cannot be completely assessed at this time. Additional work remains to be performed by the Tribes and the NRC to assess the indirect effects on sites which are ELIGIBLE for the NRHP under Criterion A as well as direct and indirect effects that could be a result of revisions in facility or wellfield design. The Ross Project Programmatic Agreement (PA) is intended to provide the framework for the NRC and others to perform adverse-effect assessments, site testing and evaluation, and mitigation-strategy development, as necessary. If adverse direct and indirect effects are identified that cannot be avoided, then a site-specific mitigation plan would be developed in accordance with the PA.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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>. The enclosed *Tribal Field Surveys in the Ross Project Area – Revised 11-2014* report is confidential and protected from public disclosure pursuant to 10 CFR § 2.390 and 36 CFR § 800.11(c).

R. Currit

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The NRC staff requests your concurrence on the NRC's eligibility determinations within 30 days of receipt of this letter. 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/ J.Moore for

Lydia Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Materials Safety
and Safeguards

Docket No.: 40-9091

Enclosure:

*Tribal Field Surveys in the
Ross Project Area – Revised 11-2014*

cc:

Ross Project Consulting Tribes (w/o enclosure)
John Eddins (ACHP) (w/o enclosure)
Mike Griffin (Strata) (w/o enclosure)
Ralph Knode (Strata) (w/o enclosure)
Mary Hopkins (WY SHPO) (w/o enclosure)
Alice Tratebas (BLM)

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