



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

March 1, 2016

Mr. Lyman Guy, Chairman
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005

SUBJECT: INVITATION FOR FORMAL SECTION 106 CONSULTATION PURSUANT TO THE NATIONAL HISTORIC PRESERVATION ACT REGARDING STRATA ENERGY INC.'S PROPOSED KENDRICK EXPANSION AREA OF THE ROSS IN SITU URANIUM RECOVERY SITE, LOCATED IN CROOK COUNTY, WYOMING (DOCKET NO.: 40-9091)

Dear Chairman Guy:

The U.S. Nuclear Regulatory Commission (NRC) received a license amendment application from Strata Energy Inc. (Strata), dated March 20, 2015, for License SUA-1601 requesting authorization to expand its Ross In Situ Uranium Recovery (ISR) Project to include the Kendrick Expansion Area. The license amendment, if granted, would allow Strata to construct and operate additional ISR wellfields at the Kendrick expansion area, which covers 7,873 acres adjacent to the Ross site. A map showing the proposed project location in Crook County, Wyoming is enclosed (Enclosure 1).

The NRC accepted the license amendment application on December 31, 2015, and then began its detailed technical review, consisting of both an environmental review and a safety review. The environmental review will be conducted in accordance with the regulatory provisions in Title 10 of the *Code of Federal Regulations* Part 51 (10 CFR Part 51), which implement the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The NRC's environmental review assesses the potential environmental impacts of major Federal actions that may significantly affect the human environment.

In accordance with 36 CFR Part 800.8 (Coordination with NEPA), the NRC staff is using the NEPA process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). The environmental review will also include analyses of potential impacts to historic and cultural resources.

Through this letter, the NRC staff invites you to participate as a consulting party under Section 106 of the NHPA and assist in the identification and evaluation of historic properties that may be affected by this proposed action and development of proposals to address adverse effects that may be identified during the evaluation process.

Please indicate whether or not you wish to participate as a consulting party by completing the enclosed form (Enclosure 2). The NRC requests that the form be returned within 30 days of

receipt of this letter. You may also contact us if you want to discuss concerns about the confidentiality of information that may be provided to the NRC. Please note that according to NRC policy, correspondence provided to the NRC, including emails, may be made publicly available. Therefore, the NRC recommends that the Tribe avoid including any information in its submission that Tribal officials do not want to be publically disclosed (e.g., personal email address).

Defining the Area(s) of Potential Effect (APE)

The NRC staff has delineated the APE for Kendrick and its immediate environs that may be affected by activities associated with the construction, operation, decommissioning, and restoration of the proposed site. The NRC has defined both a direct and indirect APE for Kendrick (see Enclosure 3). The direct APE is comprised of the project boundary, which includes areas that may be directly affected by physical ground disturbance and construction of wellfields and appurtenant facilities. The indirect APE is comprised of the area within three (3) miles of the Kendrick project boundary wherein potential visual and audible effects, or other potential impacts that may be associated with an increase in human activity near the project area, could occur to previously documented historic properties.

The direct APE includes the entire Kendrick footprint of 7,874 acres. Of this, 6,843 acres are private and 1,031 acres belong to the State of Wyoming. There are also 1,929 acres of Federal subsurface mineral ownership. Within the direct APE, approximately 1,050 acres will eventually be disturbed by proposed project activities (approximately 1,032 acres of private land, 18 acres of State land).

In addition to the direct APE, the NRC staff proposes defining the indirect APE by the following method. The NRC staff intends to identify all previously recorded cultural resources within a three-mile radius of the direct APE by searching the Wyoming Cultural Records Office and any other sources that may provide similar information. If any historic properties are identified that meet one or more criteria for listing on the National Register of Historic Places, then the property will be further evaluated to identify any potential for indirect effects from Kendrick. This approach for Kendrick is similar to that used for the adjacent Ross site. The Ross direct and indirect APEs were previously agreed to by the NRC, Wyoming State Historic Preservation Office, Bureau of Land Management, and the Advisory Council on Historic Preservation (see Ross ISR Programmatic Agreement, Attachment A, found at: <http://pbadupws.nrc.gov/docs/ML1408/ML14083A572.pdf>).

Additional Resources

For more information regarding Kendrick, you may visit the following NRC public webpages:

- Kendrick – <http://www.nrc.gov/materials/uranium-recovery/license-apps/kendrick.html> (includes links to Strata's application, NRC's schedule, and Section 106 efforts to date)
- Ross – <http://www.nrc.gov/info-finder/materials/uranium/licensed-facilities/ross.html> (includes links for Ross' license, supplemental environmental impact statement, and Programmatic Agreement).

Documents are also publicly available from the NRC's Agency Wide Documents Access and Management System, which can be accessed online at: <http://www.nrc.gov/reading-rm/adams.html>. If you would like a copy of the application or any other publically available documents, please contact the NRC staff identified below.

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The NRC appreciates the opportunity to consult with you on issues regarding this license amendment application. For the purposes of meeting with Tribal leaders, the Division of Fuel Cycle Safety, Safeguards, and Environmental Review's Division Director, Deputy Division Director, or Environmental Review Branch Chief will represent the NRC.

If you have any questions or need any additional information, please contact the environmental Project Manager, Mrs. Jessie Muir Quintero, via e-mail at: Jessie.Muir-Quintero@NRC.gov, by telephone (301) 415-7476, by fax (301) 415-0020, or by mail at: U.S. Nuclear Regulatory Commission, ATTN: Jessie Muir Quintero, Mailstop: T4-B16, 11545 Rockville Pike, Rockville, MD 20852.

Sincerely,

/RA/

Craig G. Erlanger, Acting Director
Division of Fuel Cycle Safety, Safeguards
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-9091
License No.: SUA-1601

Enclosures:

1. Map of Proposed Kendrick
Expansion Area
2. Tribal Questionnaire
3. Map Delineating Areas of Potential Effect

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Sincerely,

Craig G. Erlanger, Acting Director
Division of Fuel Cycle Safety, Safeguards
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-9091
License No.: SUA-1601

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ADAMS Accession Number: ML16054A375

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NAME	JMuir-Quintero	AWalker-Smith	LChang	CErlanger
DATE	02/10/16	02/24/16	02/24/16	03/01/16

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