

August 25, 2016

Mr. Mike Griffin, Vice President
Permitting, Regulatory,
and Environmental Compliance
Strata Energy, Inc.
1900 W. Warlow Dr., Bldg. A
P.O. Box 2318
Gillette, WY 82717

SUBJECT: RESPONSE TO JULY 19, 2016, LETTER REQUESTING NEW REVIEW OF THE
U.S. NUCLEAR REGULATORY COMMISSION TRIBAL FIELD SURVEYS OF THE
ROSS PROJECT AREA

Dear Mr. Griffin:

The U.S. Nuclear Regulatory Commission (NRC) received your letter, dated July 19, 2016, requesting a new review and evaluation of the NRC Tribal Field Surveys of the Ross Project Area – revised November 12, 2014 (Tribal Field Survey). In your letter, you indicated that the Tribal Field Survey may contain inaccuracies that led to incorrect eligibility determinations of twelve Traditional Cultural Properties (TCPs). You suggested that the NRC should conduct a new review of the Tribal Field Survey to determine if the twelve TCPs were correctly determined to be eligible. You stated that, during a field visit for the Kendrick Expansion, site features for certain TCPs could not be located or had been mischaracterized in the Tribal Field Survey.

As described in an August 2, 2016, letter from Ms. Charlene Vaughn of the Advisory Council on Historic Preservation to you, responding to your request for a new review and evaluation of the Tribal Field Survey, the final determination of eligibility for these twelve sites was made by the Keeper of the National Register of Historic Properties (Keeper). The Keeper's determination is final, binding on the NRC, and cannot be appealed. Additionally, the NRC does not agree that the Tribal Field Survey is inaccurate. Nor does the NRC agree that the field visit uncovered new information about the TCPs that would require reevaluation of the eligibility of these TCPs pursuant to 36 CFR 800.4(c)(1). During that field visit, neither the specific GPS location of the site features nor a Tribal representative were available to provide their views to assist with identifying and interpreting the significance of the TCPs.

In your letter, you also indicated that Strata is required to avoid direct effects to these sites. While avoidance may be a preferred mitigation for adverse effects, what is required by regulation (36 CFR 800.6(a)) and the Ross Programmatic Agreement (Stipulation D. Resolution of Adverse Effects) is to consult with the Ross Project parties and consulting tribes on the resolution of any adverse effects. Avoidance is not the only method to resolve adverse effects. Depending on the outcome of the consultation, other techniques to minimize or mitigate adverse effects may be appropriate to resolve adverse effects caused by disturbance to historic properties identified on the Ross project site.

M. Griffin

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If you have any further questions or comments, or need any additional information, please contact Ms. Jean Trefethen of my staff by telephone at 301-415-0867 or e-mail at Jean.Trefethen@nrc.gov.

Sincerely,

/RA/

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

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

M. Griffin

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DATE	8/15/16	8/16/16	8/25/16	8/25/16

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