September 22, 2017

Mr. Russell Eagle Bear
Tribal Historic Preservation Officer
Rosebud Sioux Tribe
P.O. Box 809
Rosebud, SD 57570

SUBJECT: TRANSMITTAL OF THE ROSS IN SITU URANIUM RECOVERY PROJECT DRAFT MINIMIZATION AND MITIGATION PLAN FOR ADVERSE EFFECTS ON 48CK2219 UNDER THE PROGRAMMATIC AGREEMENT FOR THE ROSS IN SITU URANIUM RECOVERY PROJECT IN CROOK COUNTY, WYOMING

Dear Mr. Eagle Bear:

Please consider the information in the enclosure to this letter privileged and sensitive. The U.S. Nuclear Regulatory Commission (NRC) requests your review and comment on the "Ross ISR Draft Minimization and Mitigation Plan" for the adverse effects of the Ross in situ uranium recovery (ISR) Project in Crook County, Wyoming on Traditional Cultural Property (TCP) 48CK2219. The NRC is requesting your input as part of the consultation process pursuant to Stipulation D.2., "Development of Plan(s) for the Minimization and Mitigation of Adverse Effects," of the Programmatic Agreement (PA) for the Strata's Ross ISR Project.

The draft Minimization and Mitigation Plan (MMP) is required under Stipulation D of the Ross ISR Project PA. The MMP includes minimization and mitigation strategies for adverse effects to cultural property 48CK2219, the only cultural property determined to be adversely effected. The MMP is the result of several consultation meetings with the PA Parties (Signatories, Invited Signatories and Consulting Tribes) where mitigation strategies were discussed. The NRC worked closely with Strata to develop the written report and the Bureau of Land Management (BLM) was provided the opportunity to review it. BLM provided comments on the draft in accordance with PA Stipulation D.2.d. The MMP has been provided to all PA Parties, including the Wyoming State Historic Preservation Office (WY SHPO). This is a variance from PA Stipulation D.2.e as written, which indicates that the WY SHPO will be excluded from this review. The WY SHPO is being included in this review period at the request of the WY SHPO and to facilitate the development of an acceptable Mitigation Plan. The NRC introduced this variance in the mitigation summary letter dated July 5, 2017; no objections or comments were received regarding this change to the PA process. The inclusion of the WY SHPO, during this initial review is expected to facilitate the development of acceptable minimization and mitigation strategies. The NRC also intends to include the WY SHPO on all the Party calls and webinars scheduled to discuss the MMP and its implementation.

The NRC plans to host a webinar approximately two weeks into the 30 day review period to allow for questions and comments as well as provide an opportunity for discussion on Appendix C of the MMP "Interpretive Sign and Website Content Examples." A Doodle Poll schedule request will be sent shortly - please respond at your earliest convenience.

Please provide your comments on the enclosed draft MMP to the NRC within 30 days of receipt of this letter (on or about October 23, 2017). If you have any questions regarding the enclosed information or this request, please contact Ms. Jean Trefethen by phone at (301) 415-0867 or via e-mail at Jean.Trefethen@nrc.gov.

In accordance with Title 10 of the *Code of Federal Regulations* Section 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 website at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

/RA/

Cinthya I. Román, 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

Enclosure:
Ross ISR Project Draft Minimization
and Mitigation Plan

cc w/o encl.:
Mr. William Kindle, President

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DATE: September 22, 2017

Distribution:
J. Saxton, NMSS/DUWP

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