



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

November 3, 2017

Richard (Rick) Miller, Field Manager
U.S. Bureau of Land Management
New Castle Field Office
1101 Washington Boulevard
Newcastle, WY 82701-2968

SUBJECT: RESPONSE TO U.S. BUREAU OF LAND MANAGEMENT LETTER TO U.S.
NUCLEAR REGULATORY COMMISSION REGARDING THE STRATA
ENERGY INC. ROSS URANIUM RECOVERY PROJECT IN CROOK COUNTY,
WYOMING

Dear Mr. Miller:

Thank you for your letter dated August 4, 2017 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML17242A133), regarding consultation with Native American tribes under the Programmatic Agreement (PA) (ADAMS ML14079A478), for Strata Energy, Inc.'s (Strata's) Ross In Situ Uranium Recovery (ISR) Project in Crook County, Wyoming. In the letter, you indicated that the U.S Nuclear Regulatory Commission (NRC) consultation process with consulting Native American tribes under the PA has not been sufficient to prepare a mitigation plan for the Ross ISR project. As discussed in our telephone conversation on August 22, 2017, the NRC staff appreciates and understands your recommendations; however, the NRC staff finds that the consultation conducted to date has been in good faith, adequate and reasonable, and in accordance with the terms of the PA. Additionally, to have an independent assessment of the statements in your letter, the NRC staff requested the Advisory Council on Historic Preservation (ACHP) provide its opinion regarding the adequacy of the consultation process to date. On August 25, 2017, ACHP provided their advisory opinion to NRC by letter dated August 25, 2017 (ADAMS ML17242A131). The ACHP stated in its letter that it had reviewed the consultation requirements in the PA, and the consultation completed to date for the proposed minimization and mitigation measures under the PA, and found that NRC has conducted sufficient consultation to allow Strata to proceed with drafting the mitigation plan.

As part of the process of implementing the Ross PA, the NRC provided a number of consultation opportunities for all PA consulting parties (PA Parties), which are summarized in a letter from the NRC to the PA Parties dated July 5, 2017 (ADAMS ML17184A160), and the letter from ACHP dated August 25, 2017. However, as mentioned in your letter, two Native American tribes requested additional face-to-face meetings. The NRC contacted both tribes to better define the timing and content of the requested meetings. These efforts were unsuccessful in arranging additional face-to-face meetings. As the NRC and ACHP did not identify a clear need for additional face-to-face meetings, and believed sufficient consultation has occurred, the NRC moved forward with the next steps in the PA.

In accordance with the PA, the next steps required Strata to develop a draft mitigation plan. Strata proposed this path forward to the NRC, and because NRC determined sufficient consultation had occurred, NRC agreed with Strata's proposal to draft a mitigation plan. The draft Minimization and Mitigation Plan, dated August 2, 2017, was provided to the NRC and U.S. Bureau of Land Management (BLM) for review. In accordance with Stipulation D.2.d of the PA, the BLM provided comments on the draft plan. Two webinars were held to discuss the draft plan in detail and to receive comments from the PA Parties. No written comments were

received, but those shared during the webinars were considered and incorporated where appropriate in the final version of the plan. In accordance with Stipulation D.2 of the PA, the NRC will seek the concurrence of the Wyoming State Historic Preservation Office on the final Minimization and Mitigation Plan.

I would like to thank you again for raising your concerns and express my appreciation for your continued participation and support on the implementation of the Ross ISR project PA. If you would like to discuss further or have any questions please contact Ms. Jean Trefethen or myself at Jean.Trefethen@nrc.gov, 301-415-0867, or Cinthyia.Roman-Cuevas@nrc.gov, 301-415-7093, respectively.

Sincerely,

/RA/

Cinthyia I. Román, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

R. Miller

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SUBJECT: RESPONSE TO U.S. BUREAU OF LAND MANAGEMENT LETTER TO
CINTHYA ROMAN DATE AUGUST 4, 2017.

DATE: November 3, 2017

ADAMS Accession No.: ML17307A117

OFC	FCSE/ERB	OGC	FCSE/ERB
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DATE	11/03/2017	11/02/2017	11/03/2017

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