



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

August 2, 2018

Mr. Kyle White, THPO
Oglala Sioux Tribe
Office of Cultural Affairs
and Historic Preservation
P.O. Box 108
Kyle, SD 57752

SUBJECT: TRANSMITTAL OF THE FULLY EXECUTED AMENDMENT TO THE PROGRAMMATIC AGREEMENT FOR THE STRATA ROSS IN-SITU URANIUM RECOVERY PROJECT IN CROOK COUNTY, WYOMING AND EXPIRATION OF THE SAME AGREEMENT (DOCKET NUMBER: 40-9091)

Dear Mr. White:

Enclosed is a copy of the fully executed amendment to the Programmatic Agreement (PA) for the Strata Ross in-situ uranium recovery project in Crook County, Wyoming. This is the first amendment to the PA and it went into effect on July 18, 2018, when the Advisory Council on Historic Preservation (ACHP) signed the document.

The NRC is also informing the signatories and consulting parties that the licensee, Strata Energy Inc., has completed all the activities listed under Stipulations A-D of the Strata Ross PA, including full implementation of the measures in the final Minimization and Mitigation Plan. Stipulation M.1, "Duration of the Agreement," of the amended Strata Ross PA states:

"This PA will remain in effect for 20 years from its date of execution by the Signatories (April 24, 2014), unless either (1) Wyoming attains NRC Agreement State status, at which time this PA will expire; or (2) NRC determines that all the activities listed under Stipulations A-D, including implementation of the MMP minimization measures (installation of neutral colored well covers) and mitigation measures (erection of an interpretive sign near the entrance to the mine and creation of a website dedicated to the pre-settlement history of the project area), are completed, at which time this PA will expire; whichever occurs first. NRC shall provide written notification to the other Signatories and Ross Project Consulting Tribes of this PA's expiration, including the circumstances warranting such expiration. Prior to expiration of the PA, the NRC may consult with the other Signatories to reconsider the terms of the PA and amend it in accordance with Stipulation K; however, the expiration of the PA as a result of Wyoming attaining NRC Agreement State status will occur immediately notwithstanding any consultation or amendment in progress."

Accordingly, via this letter, the NRC is providing written notification to the signatories and consulting parties that the PA is thereby expired.

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>.

If you have any questions regarding the enclosed information or this request, please contact Ms. Jean Trefethen at (301) 415-0867 or via e-mail at Jean.Trefethen@nrc.gov.

Sincerely,

/RA/

Craig G. Erlanger, 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

Enclosure:
Appendix C: First Amendment to the Ross PA

cc w/o Enclosure:
Mr. Troy Scott Weston, President

SUBJECT: TRANSMITTAL OF THE FULLY EXECUTED AMENDMENT TO THE PROGRAMMATIC AGREEMENT FOR THE STRATA ROSS IN-SITU URANIUM RECOVERY PROJECT IN CROOK COUNTY, WYOMING AND CLOSE OUT OF THE SAME AGREEMENT (DOCKET NUMBER: 40-9091)

DATED: August 2, 2018

DISTRIBUTION: RLinton, NMSS/DUWP

ADAMS Package Accession No.: ML18201A404

***via email**

| | | | | | |
|-------------|------------|---------------|------------|------------|------------|
| OFC | FCSE/ERB | FCSE/ERB | OGC | FCSE/ERB | FCSE |
| NAME | JTrefethen | AWalker-Smith | *Lbaer | CRomán | CErlanger |
| DATE | 07/11/2018 | 07/23/2018 | 07/12/2018 | 07/24/2018 | 08/02/2018 |

OFFICIAL RECORD COPY