



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

Hearing Exhibit

Exhibit Number:

Exhibit Title:

**STRATA ENERGY, INC.,
ROSS ISR PROJECT
NRC DOCKET #040-09091**

**SCOPE OF WORK
FOR ASSESSMENT OF PROPERTIES OF RELIGIOUS
AND CULTURAL SIGNIFICANCE**

INTRODUCTION:

In January 2011, Strata Energy, Inc. (Strata) submitted a new source and 11e(2) byproduct material license application to the U.S. Nuclear Regulatory Commission (NRC). The NRC is currently reviewing the application.

The purpose of the activities described in this scope of work is to assist the NRC and the U.S. Department of Interior USDO - Bureau of Land Management (BLM) in meeting their obligations under Section 106 of the National Historic Preservation Act and the implementing regulation 36 CFR part 800. Federal agencies are required to consider the effects of activities that they license or authorize on historic properties, including properties of religious and cultural significance to federally recognized Native American tribes. Tribes consulting with the NRC and BLM under Section 106 have indicated that a site assessment would facilitate further understanding of potential sites of religious and cultural significance. The following scope of work outlines proposed parameters for this assessment and any necessary follow-up reporting.

Section 1 - Description of the Ross ISR Project and Project Effects

The Ross ISR Project is a proposed new in-situ uranium recovery facility near the ranching community of Oshoto, in northeastern Wyoming. The proposed federal undertaking is an NRC license for this facility and a BLM approval for a plan of operations. Map 1 (attached) depicts the general location of the project area while Map 2 (attached) shows the license area with the proposed processing facilities, well fields, existing land disturbance, and identified archaeological sites. Map 2 is Privileged and Confidential and was previously provided to the NRC as Figure 72 in the Supplement to ER Addendum 3.8-A in August 2012. The overall area within the license boundary for the Ross ISR Project is approximately 1,721 acres.

Direct Effects

The color-coded areas shown on Map 3 (attached) graphically represent the potential areas of impact for the Ross ISR Project. The light green areas represent contiguous, well-buffered areas encompassing 963 acres surrounding the actual disturbance areas for the processing plants, well fields, impoundments, roads, and other surface-disturbing facilities.

The areas outside the light green affected areas on Map 3 indicate areas outside of the land disturbance areas. These lands will not be physically impacted by the currently

proposed activities. Any future uranium recovery development in these areas would require a license amendment from NRC. This would constitute a new federal undertaking and would require compliance with Section 106, including additional efforts to identify properties of religious and cultural significance that could potentially be affected by the new undertaking.

Indirect Effects

In addition to considering the direct physical effects such as ground disturbance on historic properties, 36 CFR 800.5(a) (1) requires that federal agencies also consider indirect effects such as visual or auditory intrusions. The visual and audible effects of construction and well drilling for the Ross ISR Project will be temporary. Operation of the project will not result in substantial noise effects. Given the nature of in-situ recovery operations, the visual effects from operations will be primarily limited to the processing structure. This structure will be painted to blend with the landscape and will be removed entirely at the end of the operation.

Given the transitory nature of the visual and auditory effects from the project and the substantial buffer zones included in the light green areas on Map 3, it is not anticipated that the project will cause visual or audible effects sufficient to diminish the integrity of historic properties beyond the buffered areas surrounding the locations of **actual** ground disturbance.

Section 2 - Approach to Identification of Properties of Religious and Cultural Significance

The federally recognized Native American tribes that have participated in consultations with the NRC and BLM about this project (interested tribes) have indicated that the appropriate method for identifying places of Tribal religious and cultural significance is an examination of the ground surface by knowledgeable representatives from the interested tribes. Strata proposes a program of identification that utilizes on-the-ground examination of all lands within the buffered areas surrounding the locations of actual ground disturbance for the Ross ISR Project (light green colored areas on Map 3).

Section 3 - Assumptions

- Strata assumes that ~20-meter interval survey transects will be used by the interested tribes. At ~20-meter intervals, the level-of-effort calculations in this scope of work assume a coverage rate of 15 acres per person per day.
- The level-of-effort calculations in this scope of work assume:
 - Two crews of five persons each, with one person in each crew serving as crew leader and receiving a higher pay rate;
 - One 10-day work session, the first and last days of which are assumed to be travel days; and
 - Services of one traditional cultural expert to advise crew leaders in evaluating the features identified by the field crews.

- Government Services Administration rates will be used to calculate lodging, meals and incidental expenses, and mileage reimbursement.
- In order for NRC and BLM to meet their obligation to consider the effects of this undertaking on historic properties, it is essential that identification efforts for places of religious and cultural significance to federally recognized Native American tribes focus on those areas within which such properties may be affected; that is, on the light green-colored areas in Map 3. Some portions of those areas have already experienced substantial ground disturbance, as a result of historical activities in the Ross ISR Project area (see Map 3).
- The information resulting from identification efforts carried out under this scope of work will be culturally sensitive. Only the minimum amount of information needed for consultations and determinations of eligibility and effect will be disclosed to the federal agencies and the Wyoming State Historic Preservation Office (WSHPO); only the minimum amount of information needed to ensure that eligible properties are protected and preserved to the extent feasible will be disclosed to Strata. It is therefore not anticipated that substantial time will be required for preparing reports. The needed work products are described in a later section of this scope of work.

Section 4 - Statement of Work for the Ross ISR Project Area

Level of Effort

- Field identification time: 64 person-days (basically one 10-day session at 15 acres x 10 persons = 150 acres/day; 963 acres/150 acres=6.4 days)
- Services of traditional-culture expert during duration of 10-day session
- Travel time: total 2 travel days
- Report preparation:
 - Work product 1 – 30 hours plus 4 hours for GIS specialist/cartographer
 - Work product 2 – 60 hours plus 15 hours for GIS specialist/cartographer
 - Work product 3 – 20 hours plus 4 hours for GIS specialist/cartographer

Compensation

Field work

- \$25/hour for field identification – crew member (rate consistent with tribal monitor activities and equivalent to GS-11 which requires a Ph.D.)
- \$30/hour for field identification – crew leader (rate consistent with experienced archeology field assistants previously used by Strata)
- \$40/hour for field evaluation – traditional-culture expert (rate consistent with experienced archeology crew chiefs previously used by Strata)

- \$20/hour for travel time, all personnel, actual hours from home base to Moorcroft, WY, at the beginning and end of the field session
- \$77 lodging, \$51 meals and incidental expenses for all personnel for fieldwork days and for the first travel day for the field session; \$38.25 meals & incidental expenses for the second travel day of the field session
- \$0.55 per mile reimbursement for use of personal or tribal vehicles, actual mileage
- GPS rental \$150/week
- \$200/session fieldwork supplies and expendables

Report preparation

- \$30/hour for all work products (rate consistent with experienced archeology field assistants previously used by Strata)
- \$25/hour for GSI specialist/cartographer (rate consistent with tribal monitor activities and equivalent to GS-11 which requires a Ph.D.)
- \$300 report-preparation supplies and expendables

Work Products

1. Within 14 working days after completion of field work, the point(s) of contact for the interested tribes will provide a brief (5 pages or less) ***non-sensitive*** written summary of the fieldwork completed and the number of properties identified. This summary will include 7.5 minute USGS maps showing specific areas where ground examination took place, but should not indicate the locations of any identified properties of religious and cultural significance. Because this information will be disclosed to the public through NRC's NEPA compliance process, it is essential that the document contain only information that does not need to be protected from disclosure. The summary report will be provided to NRC, BLM, and Strata.
2. Within 40 working days after completion of field work, the point(s) of contact for the interested tribes will provide to NRC sufficient information about any identified properties of religious and cultural significance to permit the agency to consult with the WSHPO and the interested tribes about NRHP eligibility of these properties. This information will include the following:
 - a. An identifying label for the property
 - b. Location and boundaries, either as digital data or plotted on 7.5 minute USGS quad maps
 - c. A brief description of the physical appearance of the property and any photo documentation necessary to support description
 - d. An assessment of the integrity of the property
 - e. A brief statement concerning the historical significance of the property

The significance assessment should focus on the potential for the property to meet one or more of the criteria of eligibility to the NRHP, as established in 36 CFR 60.4 and elaborated in National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation* and National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. While Bulletin 38 is a comprehensive document, it does not include identification parameters for those properties pertinent and significant to Northern Plains culturally distinctive and unique characteristics. The integrity assessment may follow the guidance in National Register Bulletin 38 or that in National Register Bulletin 15. The interested tribes need not disclose specific information about the religious significance or meaning of any properties identified under this scope of work. The Section 106 process requires only information about the historical significance of these properties as expressed by knowledgeable Native persons.

This work product should also include any recommendations that the interested tribes wish to provide concerning the potential NRHP eligibility under criteria other than criterion D for the previously identified archaeological sites in the light green-colored areas on Map 3.

The information provided in this work product will be subject to protection from disclosure under the provisions of Section 304 of the National Historic Preservation Act.

3. Once NRC, BLM, and WSHPO, in consultation with the interested tribes, have completed determinations of NRHP eligibility for any identified properties of religious and cultural significance to the interested tribes, the point(s) of contact for the interested tribes will provide Strata with the information described in 2.a-c above for any eligible properties. Strata will sign a confidentiality agreement limiting use of this information to appropriate company personnel involved in project design or operation in order to avoid these areas during development of the project.

Schedule

(Note: Specific dates will be determined as part of the final scope of work)

- Fieldwork to be completed by November 2, 2012
- Summary information to be completed by November 16, 2012
- Eligibility information for NRC and BLM to be completed by December 14, 2012

Payment & Milestones

Interest in this assessment by Native American tribes has been apparent since the fall of 2011 when two separate site visits were coordinated by the NRC and BLM. In order to facilitate this assessment, Strata proposes payment based on meeting certain milestones:

1. For those crew members, crew chiefs and expert who confirm interest and commit to the assessment, Strata will provide up-front reimbursement for travel time and expenses.

2. For those crew members, crew chiefs and expert who complete the field work within the proposed 10-day session, Strata will, within 2 weeks, pay them for their time and travel.
3. For completion of work product #1 within the indicated time frame, Strata will provide payment within 2 weeks. Similarly, payment will be provided for work products #2 and #3 upon completion within the time frames above, within 2 weeks.

Access and Safety

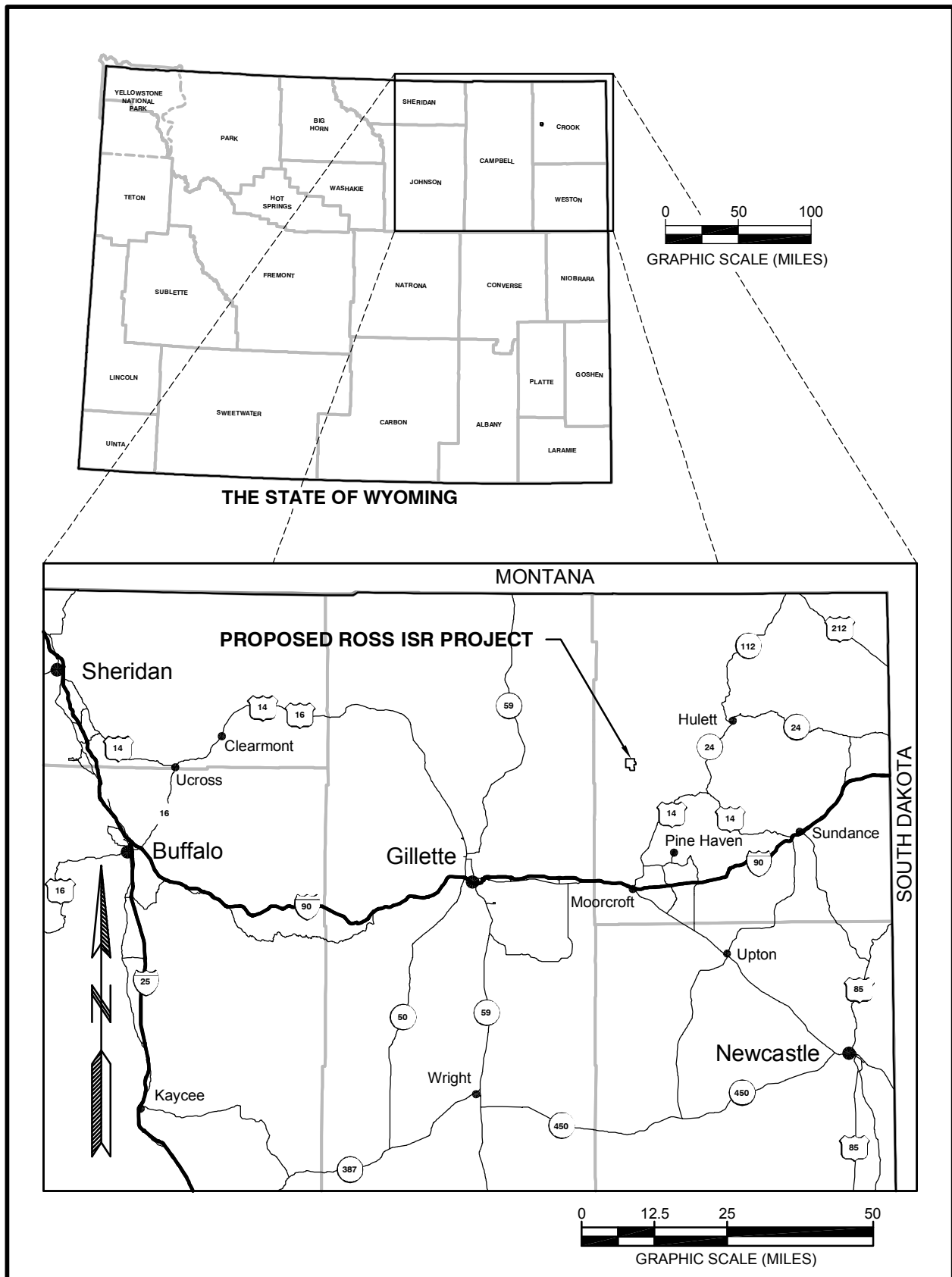
Strata will provide access to the properties, and a representative of Strata will coordinate with crew leaders to facilitate land access. The Strata representative will utilize a GPS survey unit to identify all Strata facility map locations selected by the tribal representatives for ground examination and will guide the tribal cultural personnel to the locations they select in the field. The Strata representative will also serve as liaison with the local landowners.

The tribal representatives will be considered to be independent contractors for the duration of the study and will be responsible for their own safety equipment and procedures.

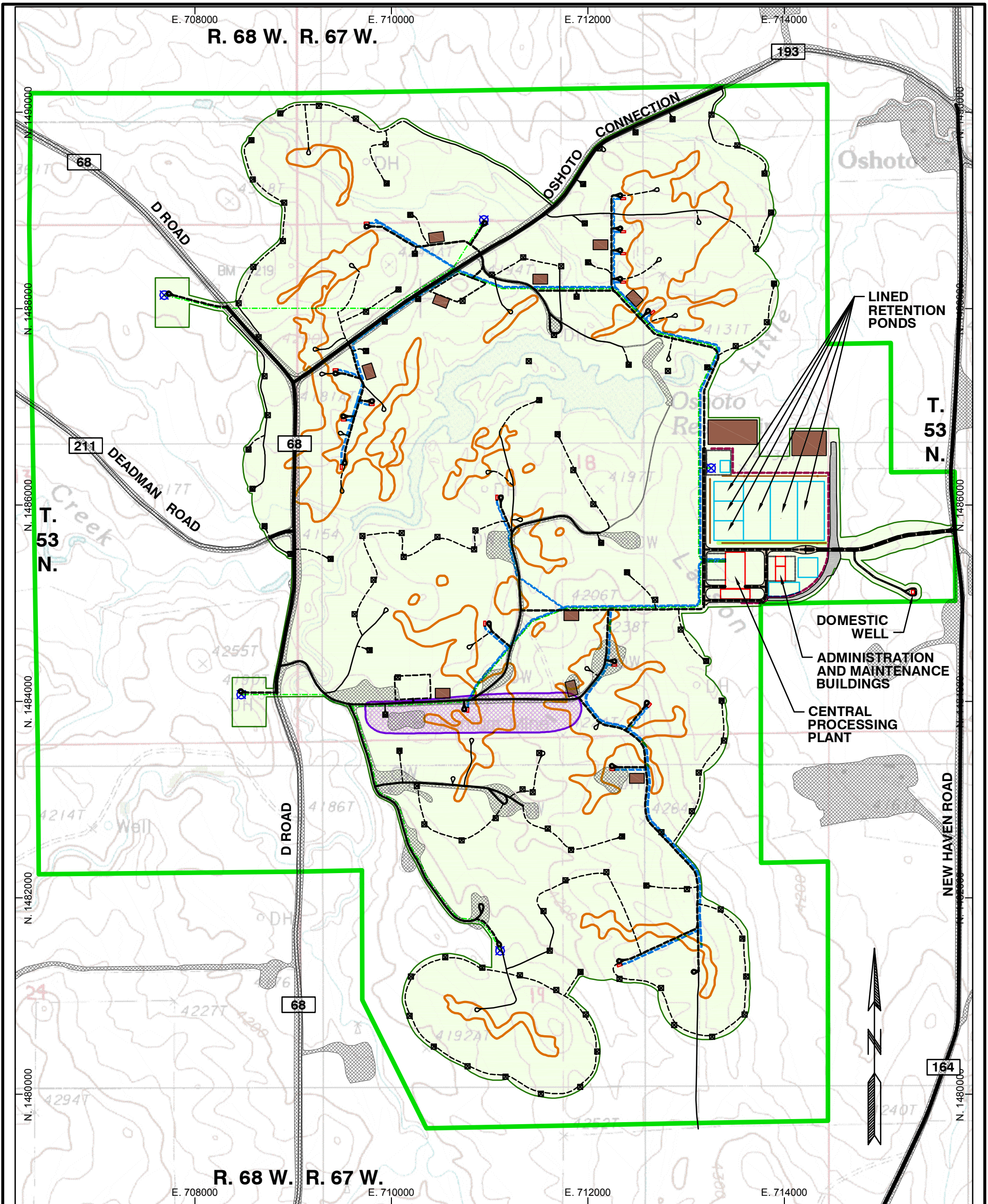
Strata will provide two portable toilets to be located at the Strata Field Office for the identification portion of the 10-day session.

Insurance

All tribal representatives who will be present during field work will be required to provide proof of liability insurance in the amount of \$500,000 or more, or sign an indemnification statement that will hold harmless both the landowner and Strata from any accidents that may occur in the field.



Map 1. General Project Location



Basemap: USGS Quad Oshoto

ROSS PROJECT AREA

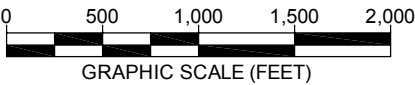
Drawing Coordinates: WY83EF

LEGEND

- ROSS PERMIT BOUNDARY
- 164 COUNTY ROAD
- NUBETH R&D LOCATION
- POTENTIAL WELLFIELD AREAS
- PREVIOUS DISTURBANCE
- AFFECTED AREA

FACILITIES

- PROPOSED CONVEYANCE PIPELINE
- PROPOSED DEEP DISPOSAL WELL PIPING
- PROPOSED PRIMARY ACCESS ROAD
- EXISTING SECONDARY ACCESS ROAD
- PROPOSED SECONDARY ACCESS ROAD
- EXISTING 2-TRACK ROAD
- PROPOSED TERTIARY ROAD
- PROPOSED DEEP DISPOSAL WELL
- PROPOSED PERIMETER MONITOR WELL
- TOPSOIL STOCKPILES



PENINSULA STRATA ENERGY

OPERATING THROUGH

ROSS ISR PROJECT
CROOK COUNTY, WY
P.O. BOX 2318
GILLETTE, WY 82716

MAP 3
AREAS OF POTENTIAL IMPACT

| REVISIONS | |
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| Date | Description |
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Drawn By: MBM
Checked By: BJS
Date: 8/28/12

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