

March 8, 2013

Mr. Richard L. Currit
Senior Archaeologist
Wyoming State Historic
Preservation Office
2301 Central Avenue
Barrett Building, Third Floor
Cheyenne, WY 82002

SUBJECT: STRATA ENERGY, INC. – ROSS IN SITU URANIUM RECOVERY PROJECT -
SECTION 106 CONSULTATIONS

Dear Mr. Currit:

With this letter, the U.S. Nuclear Regulatory Commission (NRC) is submitting its preliminary determination on the effects of granting a license to Strata Energy, Inc. (Strata) to construct and operate the proposed Ross In Situ Uranium Recovery Project (Ross Project) (the undertaking) on historic properties, as required by Section 106 of the National Historic Preservation Act (NHPA). In accordance with the provisions in Title 10 of the *Code of Federal Regulations* (CFR) Part 51, the NRC's regulation that implements the National Environmental Policy Act of 1969, as amended (NEPA), and 36 CFR 800.8(c), implementing Section 106 of NHPA, the NRC is using the process and documentation required for the preparation of an Environmental Impact Statement (EIS) to comply with Section 106. The NRC, in coordination with the Bureau of Land Management (BLM) as a Cooperating Agency, is currently developing a Supplemental Environmental Impact Statement (SEIS) for the proposed Ross Project, which would include a central processing facility, well fields, and access roads. The NRC has notified the Wyoming State Historic Preservation Office by letter dated August 11, 2011, 25 Native American tribes (Tribes) by letter dated February 9, 2011, and the Advisory Council on Historic Preservation (ACHP) by letter dated August 19, 2011 of this intention.

In developing its license application to the NRC, Strata contracted with GCM Services, Inc. (GCM) to conduct a Class I literature search and a Class III cultural resource inventory. The Class I literature search and original Class III cultural resource survey were conducted in 2010. The corresponding report was dated October 2010 and included as Appendix 3.8-A to Strata's Environmental Report, which was submitted to the NRC in December 2010. Strata provided an update to Appendix 3.8-A, dated October 2011. A supplement to Appendix 3.8-A, submitted by Strata in August 2012, documented the findings of additional test excavations conducted by GCM in November 2011, May 2012, and June 2012. Finally, Strata provided an errata to the supplement to Appendix 3.8-A in October 2012. Each of these reports has been forwarded to you by the NRC or provided to you directly by Strata.

After reviewing the information provided by Strata, the NRC staff determined that Strata would need to provide additional information to allow the NRC staff to make determinations on the eligibility of the sites identified in the Class III report. Strata, in a letter to the NRC dated January 8, 2013 addressed the outstanding information needs that were identified by the NRC and BLM staff. On January 10, 2013, you discussed Strata's letter with Ms. Johari Moore of my staff, Project Manager for the Ross Project NEPA and NHPA reviews, and you indicated that you would like the NRC to recommend as "unevaluated, pending further testing" those sites for which the NRC staff requires additional information from Strata and provide the information to you for your review. Therefore, the NRC staff's findings are provided as Enclosure 1 of this letter. Additionally, we are providing comments on the original and supplemental Class III reports as Enclosure 2 of this letter.

The NRC staff requests your comments and recommendations on mitigation and the path forward within 30 days of receipt of this letter and associated materials. If you have any questions or require additional information, please contact Ms. Moore at (301) 415-7694, or at Johari.Moore@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-9091

Enclosures:

1. Table of Site Eligibility Determinations
2. Additional Comments on Original and Supplemental Class III Report

cc:

Ben Schiffer (WWC)
Ralph Knode (Strata)
Mary Hopkins (WY SHPO)
Alice Tratebas (BLM)

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