

March 31, 2014

Mr. Michael Griffin, Vice President
Permitting, Regulatory, and Environmental Compliance
Strata Energy, Inc.
1900 W. Warlow Dr., Bldg A
P.O. Box 2318
Gillette, WY 82717

SUBJECT: RESPONSE TO FEBRUARY 21, 2014, LETTER AND MARCH 18, 2014, EMAIL
(DOCKET 040-09091)

Dear Mr. Griffin:

The U.S. Nuclear Regulatory Commission (NRC) has received your letter, dated February 21, 2014, which transmits a revised map depicting the proposed Ross Project and the locations of 18 sites identified within the Ross Project area during Tribal field surveys conducted in May and June 2013. In your letter, you note that Strata Energy, Inc. (Strata) previously provided, by letter dated August 30, 2013, and at the request of the NRC, a map depicting the proposed Ross Project and the locations of only 17 sites identified during the Tribal field surveys, as well as a description of adverse effects to those sites. Additionally, in your February 21, 2014, letter, you note that the boundaries of the 17 sites provided to Strata by the NRC in February 2014, increased with respect to the boundaries of the 17 sites provided to Strata by the NRC in August 2013. Due to the variations between the information Strata was provided in August 2013 and February 2014, you make several statements in your February 21, 2014, letter expressing your lack of clarity regarding the justification for the additional site and the expanded site boundaries.

Subsequently, in an email to Mr. Aby Mohseni, Deputy Division Director, NRC, dated March 18, 2014, you summarize the statements you made in your February 21, 2014, letter and you indicate that you had not yet received a response to this letter from the NRC. You also note your receipt of a redacted version of the NRC's *Tribal Field Surveys in the Ross Project Area* report, which was transmitted to Strata by letter dated March 6, 2014. In your email, you raise concerns regarding the NRC's withholding of the site forms from the redacted report, which you state are critical to Strata's understanding a site's attributes that lead to a determination of eligibility.

With this letter, the NRC staff is: 1) providing additional details to clarify the information provided to you in August 2013 and in February 2014, and 2) clarifying the basis for the NRC's providing to Strata a redacted version of the NRC's *Tribal Field Surveys in the Ross Project Area* report. During a project-manager-to-project-manager phone call between the NRC staff and Strata, the NRC informed Strata that the site boundaries provided in February 2014 take into account the nearby landforms. Strata was also informed at that time that the *Tribal Field Surveys in the Ross Project Area* report would include additional information describing the basis for the site boundaries. Section 3.5 of the report, Definition of Site Boundaries and Evaluation of Direct and Indirect Effects, provides this additional information. It is not clear from your March 18, 2014, email whether Strata has reviewed Section 3.5 of the report and requires further information. Nevertheless, additional details to clarify the information provided to you in

August 2013 and in February 2014 are provided as an enclosure to this letter.

The site forms have been redacted from the *Tribal Field Surveys in the Ross Project Area* report provided to Strata because they contain confidential information that was provided to the NRC staff by representatives of the Native American Tribes (Tribes) that participated in the Tribal field surveys at the Ross Project area conducted in May and June 2013. Information provided by Tribes on the nature and significance of sites is confidential and the NRC has not received permission from these Tribes to share this information with Strata. Similarly, information provided by Tribes on the nature and significance of sites is contained in the field notes, technical reports, and consultation records that you have requested in your February 21, 2014, letter and the NRC has not received permission from these Tribes to share this information with Strata.

In your February 21, 2014, letter, you state that Strata has requested to be included in the consultation involving the properties of concern to Tribes identified during the Tribal field survey. Title 36 CFR Part 800 requires consultation with license applicants on the project effects and mitigation of effects to historic properties. The consultation process is as follows: 1) recordation of sites and preparation of reports in consultation with the Tribes (this step is complete), 2) consultation with the Wyoming State Historic Preservation Office (WYSHPO) on eligibility and effect (we are currently in this stage), 3) consultation to discuss effects and develop mitigation measures, and 4) implementation of mitigation measures. Strata does not have a role in consultations on the National Register of Historic Places (NRHP) eligibility of sites of religious and cultural significance to Tribes. NRHP eligibility determinations for sites of religious and cultural significance to Tribes are made by the Federal agency and Tribes knowledgeable about religious and traditional cultural properties. The process of consultation on properties of concern to Tribes identified during the Tribal field survey has not reached the stage when Federal agencies consult license applicants on effects and mitigation of effects. If the NRC and the WYSHPO make a consensus determination that any of these properties are eligible for the NRHP, the NRC staff will consult with Strata to discuss effects and to develop mitigation measures. If it is necessary to provide further information to Strata regarding these properties in order to facilitate this step in the consultation process, the NRC staff would consult with the Tribes to determine what information could be shared.

We recognize the importance of conducting the Section 106 process in an efficient and effective manner and we also recognize the importance of respecting and maintaining the unique government-to-government relationship between the NRC and the Tribes. It is also important for the NRC staff to continue to conduct activities in accordance with 36 CFR Part 800 regulations.

M. Griffin

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If you have any further questions or comments, or need any additional information, please contact Ms. Johari Moore of my staff by telephone at 301-415-7694 or email 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

Enclosure:

Additional Information Regarding Site
Boundary Delineation Methodology
in the *Tribal Field Surveys in the Ross
Project Area Report*

cc:

R. Knode, Strata (via email)
B. Schiffer, WWC (via email)
K. Floyd, Venable (via email)
A. McMaster, Venable (via email)
T. Thompson, Thompson and Pugsley (via email)
C. Pugsley, Thompson and Pugsley (via email)
A. Tratebas, BLM
M. Hopkins, WYSHPO
R. Currit, WYSHPO

M. Griffin

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If you have any further questions or comments, or need any additional information, please contact Ms. Johari Moore of my staff by telephone at 301-415-7694 or email at Johari.Moore@nrc.gov.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
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OFC	DWMEP	DWMEP	OGC	DWMEP	DWMEP	DWMEP
NAME	JMoore	AWalker-Smith	CHair	KHsueh	K Hsueh for AMohseni	KHsueh
DATE	3/27/14	3/28/14	3/31/14	3/27/14	3/31/14	3/31/14

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