

April 1, 2015

Ms. Stephanie Toothman, Keeper
National Registry for Historic Places
National Park Service
1201 Eye Street, NW (2280)
Washington, DC 20005

SUBJECT: DETERMINATION OF ELIGIBILITY FOR TRADITIONAL CULTURAL
PROPERTIES WITHIN THE AREA OF POTENTIAL EFFECTS FOR STRATA
ENERGY, INC.'S ROSS IN SITU URANIUM RECOVERY PROJECT IN
WYOMING

Dear Ms. Toothman:

The U.S. Nuclear Regulatory Commission (NRC) is requesting a determination of eligibility for listing in the National Register of Historic Places (NRHP) for 12 Traditional Cultural Properties (TCPs) identified as part of the NRC's National Historic Preservation Act (NHPA) Section 106 review for the Strata Energy, Inc. Ross in situ uranium recovery (ISR) Project (Ross ISR Project) located in the State of Wyoming.

The NRC has determined that the following TCPs are eligible for listing in the NRHP under Criterion A:

48CK2070	48CK2087	48CK2215	48CK2220
48CK2076	48CK2089	48CK2218	48CK2222
48CK2080	48CK2214	48CK2219	48CK2227*

Source: U.S. Nuclear Regulatory Commission revised report, *Tribal Field Surveys of the Ross Project Area - Revised 11-2014*, dated November 12, 2014.

* Eligible as a NRHP District.

The Wyoming State Historic Preservation Office (SHPO) was not able to concur with the NRC's determination of eligibility and recommended the NRC refer the 12 TCPs in question to the Keeper and request a formal determination of eligibility [per Stipulations B.3(g) and B.4(f) of the Ross ISR Project Programmatic Agreement (PA)].

Background Information:

The NRC has reviewed, approved, and issued a license to Strata Energy, Inc. (the licensee) to construct and operate the proposed Ross ISR Project in Wyoming. As part of NRC's review, the NRC staff prepared a supplemental environmental impact statement in accordance with the National Environmental Policy Act and executed a PA in accordance with the Section 106 process of the NHPA. Currently, this facility is licensed, and the NRC is implementing the executed PA. The signatories to the PA include the U.S. Bureau of Land Management, the licensee, the Wyoming SHPO, the Advisory Council on Historic Preservation (ACH), and

the NRC. The NRC also invited 22 Federally-recognized Indian Tribes to sign the PA as concurring parties.

As part of the identification and evaluation of historic properties, the NRC worked with the Indian Tribes to identify and evaluate TCPs and properties of religious and cultural significance to the Indian Tribes within the project's area of potential effects (APE). Out of the 22 invited consulting tribal parties, representatives of ten Indian Tribes performed two tribal field surveys within the Ross ISR Project area in 2013, including the Santee Sioux Tribe of Nebraska (Niobrara, Nebraska); the Crow Creek Sioux Tribe (Fort Thompson, South Dakota); the Rosebud Sioux Tribe (Rosebud, South Dakota); the Yankton Sioux Tribe (Wagner, South Dakota); the Northern Cheyenne Tribe (Lame Deer, Montana); the Turtle Mountain Band of Chippewa Indians (Belcourt, North Dakota); the Cheyenne and Arapaho Tribes of Oklahoma (Concho, Oklahoma); the Northern Arapaho Tribe (Fort Washakie, Wyoming); the Fort Belknap Indian Community (Harlem, Montana); and the Eastern Shoshone Tribe (Fort Washakie, Wyoming).

Based on the information collected in the tribal field surveys and provided by the Indian Tribes, the NRC worked with a contractor to produce the *Tribal Field Surveys of the Ross Project Area* report dated February 28, 2014. This report discussed the identification and evaluation of TCPs and properties of religious and cultural significance to the Indian Tribes, including the 12 TCPs in question. The NRC submitted the report to the Wyoming SHPO on March 6, 2014 (with supplemental information submitted on March 27 and April 8, 2014). The Wyoming SHPO did not concur with NRC determinations of eligibility due to incomplete documentation. The NRC collected additional information based on the Wyoming SHPO's recommendations and submitted the revised *Tribal Field Surveys of the Ross Project Area* report, dated November 12, 2014, to the Wyoming SHPO in December 2014. The Wyoming SHPO responded on January 15, 2015, to NRC and found: (i) the documentation in the revised report met the Secretary of the Interior's Standards for Archaeology and Historic Preservation; (ii) the Wyoming SHPO concurred with the NRC's determination of non-eligibility for three sites (48CK2221, 48CK2225, and 48CK2226); (iii) the Wyoming SHPO concurred with the NRC's determination that four sites remained unevaluated for NRHP eligibility (48CK2216, 48CK2217, 48CK2223, and 48CK2224); and (iv) the Wyoming SHPO recommended that the NRC refer the 12 TCPs in question to the Keeper of the NRHP and request a formal determination of eligibility [per Stipulations B.3(g) and B.4(f) of the Ross ISR Project PA].

Conclusion:

Pursuant to Title 36 of the Code of Federal Regulations (36 CFR) § 800.4(c)(2) and § 63.2(c), the NRC is requesting a formal determination of eligibility for listing in the NRHP for the 12 TCPs under Criterion A.

The following supporting information is provided with this request for your review:

1. The NRC revised report, *Tribal Field Surveys of the Ross Project Area - Revised 11-2014*, dated November 12, 2014 (Enclosure 1). This report includes descriptions, statement of significance, photographs, and maps of the TCPs. This report is confidential and should not be shared with outside parties.
2. Two letters from the Wyoming SHPO with the officer's opinion on the eligibility of the 12 TCPs in question [dated May 5, 2014 (Enclosure 2) and January 15, 2015 (Enclosure 3)].

3. The Ross ISR Project PA (Enclosure 4).

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 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 Web site at <http://www.nrc.gov/reading-rm/adams.html>. The enclosed *Tribal Field Surveys in the Ross Project Area – Revised 11-2014* report is confidential and protected from public disclosure pursuant to 10 CFR § 2.390 and 36 CFR § 800.11(c).

If you have any questions or require additional information, please, contact Ms. Jean Trefethen at (301) 415-0867 or via email at Jean.Trefethen@nrc.gov.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Decommissioning, Uranium
Recovery, and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-9091

Enclosures:

1. NRC revised report:
*Tribal Field Surveys of the
Ross Project Area - Revised 11-2014
(Non-Public)*
2. Letter from WYSHPO to NRC 5/5/14
3. Letter from WYSHPO to NRC 1/15/15
4. Ross ISR Project Programmatic Agreement

3. The Ross ISR Project PA (Enclosure 4).

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