

August 6, 2015

Mr. Wilmer Mesteth  
Tribal Historic Preservation Officer  
Oglala Sioux Tribe  
P.O. Box 2070  
Pine Ridge, SD 57770

SUBJECT: TRANSMITTAL OF THE ADDITIONAL TESTING PLAN AND KEEPER'S  
RESPONSE FOR A FORMAL DETERMINATION OF ELIGIBILITY FOR THE  
ROSS IN SITU RECOVERY PROJECT

Dear Mr. Mesteth:

Following the recommendation of the Wyoming State Historic Preservation Office (WY SHPO) and the Advisory Council on Historic Preservation, the U.S. Nuclear Regulatory Commission (NRC) requested a formal Determination of Eligibility (DOE) from the Keeper of the National Register of Historic Places (the Keeper). The NRC request included twelve sites located within the area of potential effect (APE) for the Ross In Situ Recovery Project (ISR). The NRC received a response from the Keepers office on July 10, 2015. The Keeper response was further update on July 13, 2015 via email in response to a request for correction from the WY SHPO. The updated letter is attached; all mentioned correspondence can be found in the NRC Agencywide Documents Access and Management System (ADAMS) Package No.: ML15215A268. The Keeper letter indicated that all twelve of the submitted sites are eligible.

In accordance with the Programmatic Agreement (PA) for the Ross ISR, the NRC and Bureau of Land Management reviewed the enclosed Proposed National Register of Historic Places Evaluations and the Amended Site Records. This document was provided by Strata Energy, Inc. as a supplement to the Additional Testing Plan (ATP). During a quality review of the submittal, NRC and BLM identified five instances in which revisions will be required. These revisions include:

- **Appendix B, Table 1:** Reviewers noted several errors relating to information presented in the Studies Plan, National Register of Historic Places Status, and Potential Direct Effects columns.
- **Appendix B, Exhibit B:** This figure will be revised to indicate that no wells will be drilled within 48CK2076.
- **Page 14, Figure 14, Sketch map of site 48CK2075:** This figure will be revised to include the excavation of four test units where the proposed pipeline crosses the site. No other testing is proposed.
- **Page 25, Proposed Testing at 48CK2085:** This paragraph will be revised to indicate that the purpose of the testing at this site is to test for effects of the soil pile. It will also be revised to indicate that augers may be used to assess the depth to undisturbed soils below the soil pile.

- **48CK2229 Resource Form:** The form will be revised to indicate that the site is unevaluated. It will be left as such unless Strata plans ground disturbance at this location.

Given the minor nature of these revisions, NRC has directed Strata to make the revisions described above during the review cycle. At this time, we are initiating the 30-day review period, and respectfully request your review and comments on the enclosed supplement to the ATP. Following the 30-day review and comment period, and resolution of these comments, a final version will be developed and provided to the WY SHPO for their review and concurrence.

Other documents related to this action are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's ADAMS. ADAMS is accessible from the NRC Web site at:

<http://www.nrc.gov/reading-rm/adams.html>. If you have any questions or require additional information, please feel free to contact Ms. Jean Trefethen at (301) 415-0867 or via email at [Jean.Trefethen@nrc.gov](mailto:Jean.Trefethen@nrc.gov).

Sincerely,

**/RA/**

Lydia W. Chang, Chief  
Environmental Review Branch  
Division of Fuel Cycle Safety, Safeguards  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 40-9091

License No.: SUA-1601

Enclosures:

1. Revised Keeper DOE Response
2. Supplement to the Additional Testing Plan

cc w/o enclosures:

Mr. John Yellow Bird Steele, President

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Sincerely,

**/RA/**

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**DISTRIBUTION:** JSaxton

**ML15219A273**

| OFC  | FCSE/ERB  | FCSE/ERB      | FCSE/ERB |
|------|-----------|---------------|----------|
| NAME | JTrefthen | AWalker-Smith | LChang   |
| DATE | 08/06/15  | 08/06/15      | 08/6/15  |

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