

Northern Cheyenne Tribe  
Tribal Historic Preservation Office  
P.O. Box 128  
Lame Deer, Montana 59043  
Phone: (406) 477-4838/4839 Fax: (406) 477-6210

**Native American Consultation Response Form**

Site Name/OBJECT United States Nuclear Regulatory  
Commission,

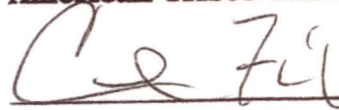
TCNS Notification ID Number Docket # 40-9091

Phone/Fax (7) 301-415-1195

**Response:** Thank you for the letter

- REQUEST ADDITIONAL INFO \_\_\_\_\_
- NO ADVERSE EFFECT \_\_\_\_\_
- NO INTEREST \_\_\_\_\_
- ADVERSE EFFECT \_\_\_\_\_
- NO COMMENT \_\_\_\_\_

**Exceptions: If archaeological materials or human remains are encountered during construction, the State Historic Preservation Office and applicable Native American Tribes will be notified.**

  
Signature

12/21/11  
Date

Conrad Fisher, T.H.P.O.  
Printed Name (Signing Official)



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

received  
12/12/11

December 6, 2011

Mr. Mal James, President  
Strata Energy, Inc.  
P.O. Box 2318  
406 West 4<sup>th</sup> Street  
Gillette, WY 82717

SUBJECT: INFORMATION REQUIRED BY THE U.S. NUCLEAR REGULATORY COMMISSION STAFF TO SATISFY ITS OBLIGATIONS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT AND NATIONAL ENVIRONMENTAL POLICY ACT TO COMPLETE ITS REVIEW OF THE IMPACTS TO THE CULTURAL RESOURCES FROM THE PROPOSED ROSS PROJECT

Dear Mr. James:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Strata Energy, Inc. (Strata) for a new source and 11e(2) byproduct material license to permit Strata to operate the proposed Ross uranium *In-Situ* recovery (ISR) facility. As part of our responsibilities under the National Environmental Policy Act (NEPA), the NRC is conducting an environmental review of Strata's application. In addition to our NEPA review, the NRC must comply with the National Historic Preservation Act (NHPA). Under Section 106 of the NHPA and its implementing regulations (36 CFR Part 800), the NRC must take into account the effects that issuing a license to Strata would have on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the NRC's findings.

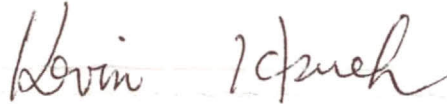
In order to comply with NEPA and Section 106 of the NHPA, the NRC must make a reasonable and good faith effort to identify historic properties within the area of potential effect (APE) for the proposed Ross ISR facility. Historic properties include properties of traditional religious and cultural importance to one or more Indian Tribes. Based on information gathered during two meetings (September and November 2011) between the NRC and representatives from seven Indian Tribes and consultation with the Wyoming State Historic Preservation Officer (SHPO), the NRC staff has determined that, beyond the archaeological surveys already submitted by Strata, the staff needs additional information regarding properties which may be of religious and cultural significance to Indian Tribes. The NRC staff believes that a traditional cultural property (TCP) survey of the APE would be an effective method to identify these properties. Such a survey could include site visits by tribal representatives, analysis of potential properties by tribal representatives, and ethnographic interviews of tribal representatives.

The NRC requests that Strata submit a written proposal for acquiring information on TCPs. Upon receipt of this proposal, the NRC staff will determine whether the actions outlined in the proposal will provide information sufficient for the NRC to meet applicable requirements under NEPA and the NHPA.

Indian Tribes that are associated with Devils Tower, as well as those that have expressed interest in a traditional cultural properties survey as expressed during the two site walkovers and subsequent consultations, are receiving a copy of this letter.

Please submit your proposal to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T-8F5, Washington, DC 20555. If you have any questions or comments, or need additional information, please contact Mr. Alan Bjornsen of my staff by telephone at 301-415-1195, or by e-mail at [Alan.Bjornsen@nrc.gov](mailto:Alan.Bjornsen@nrc.gov).

Sincerely,

A handwritten signature in black ink that reads "Kevin Hsueh". The signature is written in a cursive style with a large initial "K" and "H".

Kevin Hsueh, Branch 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

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Docket No.: 40-9091

cc: See next page