

March 26, 2012

Mr. G. Tex Hall, Chairman
Mandan, Hidatsa & Arikara Nation
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763-9404

SUBJECT: TRANSMITTAL OF TRANSCRIPTS AND ATTENDANCE LISTS FROM
SECTION 106 CONSULTATION MEETINGS

Dear Chairman Hall:

Enclosed please find a copy of the transcripts and attendance lists from the Section 106 Consultation meetings held in Rapid City, South Dakota on February 14 and 15, 2012.

During the February meetings, the U.S. Nuclear Regulatory Commission (NRC) and Bureau of Land Management (BLM) staff received the following key information:

- Tribes are concerned about confidentiality of any information they transmit to the NRC based on a recent undesirable experience with other consulting parties. Tribes expressed an interest in first developing a confidentiality agreement before submitting any Tribal Cultural Properties (TCP) studies to the NRC. A representative from Standing Rock Sioux Tribe volunteered to share a recent confidentiality agreement developed for another project to use as a starting point for Tribes, NRC and BLM when developing an agreement for the proposed Crow Butte License Renewal, Crow Butte North Trend, and Dewey-Burdock projects.
- Tribal Representatives requested that for future meeting invitations, the purpose be made clearer in order to ensure that Tribal participants have appropriate levels of decision-making authority.
- Tribal Representatives volunteered to develop project-specific Statements of Work (SOWs) to conduct TCP studies for the proposed Crow Butte License Renewal, Crow Butte North Trend, and Dewey-Burdock projects.
- Tribal Representatives requested another face-to-face meeting to go over the draft SOWs for each of the three projects. Tribal Representatives suggested March 14 and 15, 2012 as possible meeting dates. However, due to conflicts with many participating Tribal Representatives, this meeting did not occur. Further discussion is ongoing to schedule a teleconference instead, and potentially another face-to-face meeting.

Please note that the transcripts are not publicly available as information discussed during the February meeting is protected under the National Historic Preservation Act (NHPA)¹ and the South Dakota Codified Laws².

If you have any questions or concerns, please contact my staff, Ms. Haimanot Yilma via email at Haimanot.Yilma@nrc.gov or phone at 301-415-8029 for the Dewey-Burdock project, or Mr. Nathan Goodman via email at Nathan.Goodman@nrc.gov or phone at 301-415-8029 for the Crow Butte projects.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Transcript of 2/14/12 Meeting
2. Transcript of 2/15/12 Meeting
3. Attendance List from 2/14/12 Meeting
4. Attendance List from 2/15/12 Meeting

cc: Elgin Crows Breast

¹ Section 304 of the National Historic Preservation Act of 1966, As amended through 2006 [16 U.S.C. 470w-3(a)] concerns the confidentiality of the location of sensitive historic resources:

(a) The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may -

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resources; or
- (3) impede the use of a traditional religious site by practitioners.

² The release of records pertaining to the location of archaeological sites is restricted under South Dakota Codified Laws (SDCL), specifically, SDCL § 1-20-21.2, Confidentiality of records pertaining to location of archaeological site—Exceptions.

Any records maintained pursuant to § 1-20-21 pertaining to the location of an archaeological site shall remain confidential to protect the integrity of the archaeological site.

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OFC	DWMEP	DWMEP	DWMEP	DWMEP	OGC	DWMEP	DWMEP	DWMEP
NAME	HYilma	NGoodman	JDavis	AWalker-Smith	BKlukan/ MClark	KHsueh	APersinko	LCamper
DATE	3/7/12	3/7/12	3/7/12	3/8/12	3/13/12	3/14/12	3/23/12	3/26/12

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