

October 26, 2012

Mr. A. T. "Rusty" Stafne, Chairman  
Fort Peck Tribes  
P.O. Box 1027  
Poplar, MT 59255-1027  
Agency Village, SD 57262

SUBJECT: TRANSMITTAL OF TRANSCRIPTS FROM AUGUST 9 AND AUGUST 21, 2012  
TELECONFERENCES

Dear Chairman Stafne:

Enclosed please find copies of the transcripts from teleconferences held on August 9 and August 21, 2012 pertaining to the proposed Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal projects. The license applicants for the proposed actions are Powertech (USA) Inc. and Cameco Resources, respectively.

During the August 9, 2012 call, participants included representatives from Oglala Sioux, Cheyenne River Sioux, Crow Creek Sioux, Northern Arapaho, Northern Cheyenne, Rosebud Sioux, Santee Sioux, Sisseton-Wahpeton Oyate, Standing Rock Sioux, and Yankton Sioux, South Dakota State Historical Preservation Officer, Bureau of Land Management (BLM), Environmental Protection Agency (EPA) Region 8, Powertech, SRI Foundation (SRIF, applicant's contractor), Cameco, and U.S. Nuclear Regulatory Commission (NRC). During the call, the Tribes requested additional time to review the revised Statement of Work (SOW) and caucus amongst themselves before agreeing to the terms of the revised SOW for identifying properties of religious and cultural significance. All consulting parties agreed to participate in another teleconference on August 21, 2012.

Participants in the August 21, 2012 call included representatives from the NRC, EPA Region 8, BLM, Powertech, Cameco, SRIF, as well as Tribal representatives from Northern Cheyenne, Oglala Sioux, Rosebud Sioux, Sisseton-Wahpeton, Standing Rock Sioux, Yankton Sioux, Cheyenne River Sioux and Santee Sioux. During the teleconference, the NRC staff solicited feedback from the Tribes on the applicant's revised SOW to conduct the Traditional Cultural Properties' studies that the staff sent to the Tribes on August 7, 2012. The consulting parties discussed the following aspects of the applicant's revised draft SOW:

- The need to focus identification efforts to proposed disturbance areas (~2700 acres for the Dewey-Burdock project).
- The need to develop a Programmatic Agreement for any future work.

- Amount of acreage to be covered during the fieldwork. Tribes requested to have 100% survey of the proposed permit area. Tribes offered to revise their SOW and submit the revised SOW in time to support field identification in fall of 2012.
- Adequacy of compensation for Tribal officials conducting the fieldwork.
- Confidentiality of information gathered by the Tribes.
- Tribal involvement in making eligibility determination.
- Next steps for moving forward with Section 106 consultation process.
- Tribes requested an opportunity to prepare a revised SOW responsive to concerns expressed during the August 21, 2012, teleconference.
- NRC proposed to meet with Tribes in Bismarck, North Dakota on September 5-6, 2012 to discuss the SOW and develop a revised document.
- NRC proposed to send out the Tribe's revised SOW to all consulting parties after the meeting in Bismarck, North Dakota.

Please note that the transcripts are not publicly available, as information discussed during the call is protected under the National Historic Preservation Act (NHPA)<sup>1</sup> and the South Dakota Codified Laws<sup>2</sup>.

---

<sup>1</sup> 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.

<sup>2</sup> 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.

A. T. "Rusty" Stafne

3

If you have any questions or concerns, please contact Kellee Jamerson ([Kellee.Jamerson@nrc.gov](mailto:Kellee.Jamerson@nrc.gov)) at 301-415-7649 for the Dewey-Burdock project or Nathan Goodman ([Nathan.Goodman@nrc.gov](mailto:Nathan.Goodman@nrc.gov)) at 301-415-2703 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 from August 9, 2012  
Teleconference
2. Transcript from August 21, 2012  
Teleconference

cc: See next page

A. T. "Rusty" Stafne

3

If you have any questions or concerns, please contact Kellee Jamerson ([Kellee.Jamerson@nrc.gov](mailto:Kellee.Jamerson@nrc.gov)) at 301-415-7649 for the Dewey-Burdock project or Nathan Goodman ([Nathan.Goodman@nrc.gov](mailto:Nathan.Goodman@nrc.gov)) at 301-415-2703 for the Crow Butte projects.

Sincerely,

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

Enclosures:

1. Transcript from August 9, 2012  
Teleconference
2. Transcript from August 21, 2012  
Teleconference

cc: See next page

**ML12292A384**

OFC	DWMEP	DWMEP	DWMEP	DWMEP	OGC	DWMEP	DWMEP	DWMEP
NAME	KJamerson	DDiaz-Toro for NGoodman	JDavis	AWalker-Smith via email	PJehle via email	KHsueh	AMohseni	LCamper
DATE	9/19/12	10/01/12	10/03/12	10/03/12	10/03/12	10/10/12	10/11/12	10/26/12

**OFFICIAL RECORD COPY**

cc w/enclosures:

Mr. Darrell "Curley" Youpee  
Fort Peck Tribes  
Tribal Historic Preservation Office  
P.O. Box 1027  
Poplar, MT 59255-1027

Gregory R. Fesko PG  
Coal Program Coordinator  
Branch of Solid Minerals  
Bureau of Land Management  
Montana State Office  
5001 Southgate Dr.  
Billings, MT 59101

Richard Blubaugh  
Vice President EH&S Resources  
Powertech (USA) Inc.  
5575 DTC Parkway  
Ste. 140  
Greenwood Village, CO 80111

John Schmuck  
Senior Permitting Manager  
Cameco Resources  
2020 Carey Avenue, Suite 600  
Cheyenne, WY 82001

Valois Shea  
US EPA Region 8  
Mail Code: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129

Paige Olson  
Review and Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Drive  
Pierre, SD 57501

Martha Graham  
Program Manager  
SRI Foundation  
333 Rio Rancho Drive, NE, Suite 103  
Rio Rancho, NM 87124