

DeweyBurdPubEm Resource

From: Yilma, Haimanot
Sent: Thursday, January 30, 2014 11:44 AM
To: Cultural Resources Department
Cc: Hsueh, Kevin; Jamerson, Kellee
Subject: RE: Draft PA for the Dewey-Burdock Project

Dear Mr. Youpee,

Thank you for your input regarding the Nuclear Regulatory Commission's (NRC's) environmental review of the proposed Dewey-Burdock uranium recovery facility near Edgemont, South Dakota.

As you know, the NRC initiated the National Historic Preservation Act (NHPA) consultation process for the Dewey-Burdock project in early 2010. Since then, the NRC staff has held three face-to-face meetings, three teleconferences, and three webinars with Tribal representatives and other consulting parties to discuss the Dewey-Burdock project. Additionally, there were many correspondences between the NRC management and the President of the Fort Peck Tribes and other Tribal leaders. The NRC staff regularly corresponded by email and telephone with designated representatives of the consulting Tribes in order to gather information regarding historic properties and issues that the Tribes wanted the NRC to consider during its environmental review.

The NRC staff considered all information provided by consulting Tribes during the development of the draft and final Supplemental Environmental Impact Statement (SEIS). While the Section 106 process for the Dewey-Burdock project is still underway, the final SEIS was made public in the NRC's Agencywide Documents Access Management System (ADAMS) on January 29, 2014 and a copy of this report will be mailed to the Fort Peck Tribal President and Historic Preservation Officer. The final SEIS can be found in ADAMS under accession numbers ML14024A477 (Chapters 1–5) and ML14024A478 (Chapter 6–11 and Appendices). Below please find responses to your specific questions:

- 1) Potential Environmental Impacts to Tribal Natural Resources, Water Quality, and Water Supply Systems;
 - a. Surface Water and Groundwater Impacts Identified by the Supplemental Environmental Impact Statement (SEIS):

The NRC staff reviewed and evaluated the impact from the proposed action on surface water and groundwater in its draft and final SEIS (NUREG 1910, Supplement 4). The NRC staff issued its preliminary impact assessment in November 2012 as a draft SEIS and provided a 45 day comment period so that the public and interested tribes could express their concerns. In addition to announcing the publication of the draft SEIS in the Federal Register, the NRC staff provided two hard copies (one for the Chairman's/President's Office and one for the Tribal Historic Preservation Office) to each consulting Tribe, including the Fort Peck Tribes. The NRC staff received over 800 individual comments and considered these comments while developing the final SEIS. The NRC staff did not receive comments from the Fort Peck Tribes. The NRC staff believes the final SEIS addresses the concerns of many commenters on the draft SEIS. Should the Fort Peck Tribes still have specific comments or concerns on surface water and groundwater impacts discussed in the final SEIS that the tribe wishes to bring to the NRC's attention, the NRC staff will consider them.

- b. Threats to Tribal Water Systems & Water Quality: Major Waterbody Crossings

Groundwater resources (surface water and groundwater) at the proposed Dewey-Burdock ISR Project are described in SEIS Section 3.5. In SEIS Section 4.5, NRC staff reviewed and evaluated the impacts that the proposed action will have on surface water and groundwater resources. The proposed project area is located within the Beaver Creek and Pass Creek watersheds and does not cross any major

waterbodies (e.g., rivers or lakes) that supply tribal water systems. Based on (i) hydrogeologic factors; (ii) applicant commitments to implement mitigation measures to control erosion, stormwater runoff, and sedimentation; and (iii) applicant commitments to comply with state and federal permit and regulatory requirements for surface water and groundwater protection, NRC staff concluded in the SEIS that the proposed project will have SMALL impacts on surface water and groundwater quality.

c. Threats to Tribal Water Systems: The Mni Wiconi Rural Water System

The incremental effects that the proposed project will have on groundwater resources when added to all other past, present, and reasonably foreseeable future actions within an 80-km [50-mi] radius of the proposed Dewey-Burdock ISR Project was evaluated in SEIS Section 5.5. The 80-km [50-mi] radius for the water resources study encompasses the watersheds that would be potentially impacted by past, present, and reasonably foreseeable future actions. These include the Beaver Creek, Upper Cheyenne, and Angostura Reservoir watersheds. The Mni Wiconi Rural Water System does not lie within the 80-km [50-mi] study area radius. NRC staff concluded in the SEIS that the proposed Dewey-Burdock project will have a SMALL incremental effect on surface water and groundwater when added to all other past, present, and reasonably foreseeable future actions in the water resources study area. Because of the distance from the proposed project, NRC staff does not anticipate threats or impacts to the Mni Wiconi Rural Water System.

2) Potential Impacts to Fort Peck Tribes Sacred Places;

a. §800.4 Identification of historic properties

- Who was consulted to determine the appropriate scope of the overall identification process?

Since 2010, the NRC staff has consulted with all consulting tribes, including the Fort Peck Tribes, to determine the scope of the identification process. The NRC staff met with tribes in February 2012, April 2012, and August 2012 to develop a statement of work which would have documented the scope of the overall identification effort. In October 2012 (ML12286A310) the NRC staff requested alternative methods for identification of historic properties since consulting parties could not agree on identification efforts utilizing the statement of work approach. The NRC staff adopted an open field survey approach where the Dewey-Burdock site was available for a period of time to all consulting tribes to conduct their own identification. This open field survey approach addressed the tribes' concern that no one tribe can speak for all tribes. The open field survey approach also addressed the tribes' request to have access to the entire project boundary (the entire site of 10,580 acres).

- How did the NRC determine what constituted a reasonable and good faith effort to identify historic properties in the area of potential effects?

Under the NHPA regulation at 36 CFR 800.4(b)(1), federal agencies must consider several factors in determining what constitutes a "reasonable and good faith" effort for identifying historic properties. These include "past planning, research and studies, the magnitude and nature of the undertaking and the degree of federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the APE." The regulation also states that this level of effort may include a variety of information-gathering approaches, for example, "sample field surveys."

Since the NRC staff initiated the Section 106 process in March 2010, the staff has expended significant effort to obtain information on traditional religious and cultural properties that maybe present at the Dewey-Burdock site. The staff offered multiple opportunities for interested tribes to consult with the staff on the identification of these properties. However, after over two years of consultation, the staff was unable to obtain tribal agreement regarding a single approach for identifying potential properties at the Dewey-Burdock site. Nor did the staff receive any information from the consulting Tribes regarding any known properties at the site.

The NRC staff invited the consulting tribes to suggest alternative methods for identification of historic properties in October 2012 (NRC letter ML12286A310) . The NRC staff received a proposal from two participating tribes to conduct an on-the-ground survey. Some tribes, however, voiced concerns over this approach. Seeking to accommodate each tribe's concerns and acknowledging the tribes possess special expertise in identifying places of religious and cultural significance to them, the NRC notified the consulting parties that Powertech would offer specific times in the spring of 2013 when the Dewey-Burdock site would be opened for interested tribes to conduct on-the-ground surveys (NRC letter dated December 14, 2012, ML12335A175). In February 2013, the NRC staff invited all consulting tribes to conduct an on-the-ground field survey on specific dates (ML13039A366).

In sum, the NRC staff has provided a number of opportunities to tribes to participate in the NHPA identification effort. The opportunities the NRC staff has offered have been consistent with the nature of the undertaking at issue, the NHPA regulations at 36 CFR 800.4(b)(1) and 800.8, and ACHP guidance regarding the reasonable and good faith standard for property identification.

- Does the area of potential effect (APE) reflect input from the Fort Peck Tribes as well as the SDSHPO?

The NRC staff has been discussing the APE since the first Section 106 consultation meeting in June 2011 (ML111870622). The NRC staff considered the views and comments raised by all consulting tribes, including the Fort Peck Tribes, and the SD SHPO. The staff also considered NHPA-related guidance and the Section 106 implementing regulation at 36 CFR 800 in developing the APE.

- How did the NRC identify properties of religious and cultural significance, and who carried out the identification and evaluation efforts?

The NRC staff made the Dewey-Burdock project site available during April and May 2013 to all interested tribes for the identification of properties of religious and cultural significance. Seven tribes participated in the field survey; these were the Northern Cheyenne, Northern Arapaho, Crow Nation, Crow Creek Sioux, Cheyenne and Arapaho of Oklahoma, Santee Sioux, and Turtle Mountain Band of Chippawa Indians. Survey work was suspended on April 9, 2013, due to inclement weather. Survey work resumed on April 29, 2013, and was extended through May 24, 2013, for a total survey period spanning 36 calendar days. The Cheyenne and Arapaho, Northern Arapaho, and Northern Cheyenne tribes submitted survey reports to the NRC. The NRC staff also received field notes from the Crow Tribe, although the reports did not contain eligibility recommendations for identified sites.

In addition to the open field survey, the staff has taken a number of other steps to identify properties of religious and cultural significant to tribes. The NRC staff reviewed the applicant's Environmental Report, which included an Archeological Survey listing sites that could be significant to tribes. The staff also reviewed a supplemental submittal from the applicant, which provided more specific information on cultural resources. The staff employed a contractor with extensive experience in NHPA-related issues, and this contractor further reviewed available information concerning potentially significant sites. In addition, since 2010 the staff has sought information directly from interested tribes concerning properties that may be affected by the proposed project. The staff has sought such information through emails, letters, and other correspondence. The staff has also sought such information through a number of in-person meetings and teleconferences with tribal representatives.

- Why have the Fort Peck Tribes not been offered the opportunity for site visits or an opportunity to review and comment on proposed identification efforts?

The Fort Peck Tribes, along with all other interested tribes, were offered the opportunity to participate in the identification effort; however, the Fort Peck Tribes declined to participate (ML12335A175, ML13053A110). The NRC staff has since circulated a summary of the tribal field

survey report to all consulting tribes, including the Fort Peck Tribes, for their review and comment. (ML13357A206)

- With whom did the NRC consult to determine if properties were eligible for the National Register?

When developing its preliminary NRHP-eligibility recommendations, the NRC staff accepted the eligibility recommendations of the three of the tribes that participated in the identification effort and subsequently provided their recommendations to the NRC staff. The NRC staff is currently consulting with the SD SHPO and interested tribes on the development of a programmatic agreement (PA) to capture eligibility recommendations and develop treatment plans for sites that maybe be disturbed. On January 14, 2014, the SD SHPO concurred on the NRC's preliminary eligibility determination and agreed with the NRC's effect determination with minor comments (ML14014A307).

- How did the NRC acknowledge the special expertise of the Fort Peck Tribes to assess the eligibility of properties of religious and cultural significance to them?

The NRC staff acknowledges the special expertise of each consulting tribe and, therefore, provided the opportunity to all interested tribes to identify and evaluate properties of religious and cultural significance. Although the Fort Peck Tribes have not participated in identification of sites, evaluation of identified sites, or the development of the PA for the Dewey-Burdock project, the staff will consider any information the Fort Peck Tribes submit.

- With issues regarding confidentiality, how did the NRC consider protecting the relevant information? Who will have access to confidential information provided by the tribe? When and why?

The NRC staff is committed to protecting sensitive and confidential information provided by Tribal representatives to the extent allowed by law, and the staff has committed to this protection throughout our consultation process. The NRC staff shares information with other consulting parties only if the party needs the information in order to protect historic properties. In these circumstances, the parties will be subject to a confidentiality agreement. A confidentiality agreement will be discussed during consultations on the PA.

b. §800.5 Assessment of adverse effects

- When will the NRC consult with the Fort Peck Tribes about adverse effects?

The NRC staff shared its initial effects determination with all the consulting tribes, including the Fort Peck Tribes, in December 2013. To date, the NRC staff has not received comments from the Fort Peck Tribes on either the effects determination or the draft PA, which captures how affected sites will be treated. Additionally, the Fort Peck Tribes did not participate in any of the three webinars conducted for the drafting of the PA.

- When will the NRC notify the Fort Peck Tribes of its no adverse effect or adverse effect finding? How did the NRC consult with Indian tribes to determine whether there would be adverse effects to historic properties of religious and cultural significance?

The NRC staff is currently consulting on how to address adverse effects on historic properties. The NRC staff has invited the Fort Peck Tribes to participate in this process; however, the Fort Peck Tribe declined to participate in these efforts (ML13267A221, ML13267A377, ML13273A474, and ML13322B654). The NRC staff encourages the Fort Peck Tribes to participate in the upcoming webinar to review the draft PA developed by consulting parties over the last several months. The next teleconference is scheduled for February 14, 2014 from 9 am to 11 am MST.

- What did the NRC consider in reaching its findings?

In developing its initial NRHP-eligibility determination, the NRC staff evaluated the applicant's archeological survey, the tribal survey results, and the visual effects assessment. The NRC staff sent the initial determination to all consulting tribes, including the Fort Peck Tribes, as well as the SD SHPO for review. Since that time, the SD SHPO has commented and concurred on our NRHP-eligibility recommendation.. The NRC staff is also developing a PA to address our effects determination and resolve adverse effects for those sites identified as potentially impacted by the proposed project.

- Has the NRC considered access to and use of historic properties of religious and cultural significance in assessing effects?

The NRC has considered all available information in making its effects determination for historic properties. Of the 10,580 acres within the proposed project boundary, only 240 acres are on BLM administered land; the remaining acreage is privately owned. Access to the privately owned land requires permission from the landowners and this arrangement will not change as a result of the proposed project.

c. §800.6 Resolution of adverse effects

- Did the NRC notify the ACHP about the determination of adverse effect?

Yes, the NRC staff distributed the preliminary adverse effects determination to all consulting parties, including the ACHP, as part of the draft PA.

- Is the ACHP still participating in the consultation?

Yes, ACHP is an active participant in the consultation process for the development of the PA for the Dewey-Burdock project (ML13304A940).

- Will the NRC consult with the Fort Peck Tribes to consider measures to avoid, minimize or mitigate the adverse effects to historic properties of religious and cultural significance to them?

Yes, the NRC staff has invited the Fort Peck Tribes as well as the rest of the consulting tribes to recommend measures to avoid, minimize or mitigate adverse effects on historic properties as part of the development of the PA (ML13267A221, ML13267A377, ML13273A474, and ML13322B654). All measures agreed upon by consulting parties will be captured in the PA. To date, the NRC staff has hosted three webinars and developed a draft PA based on discussions and feedback received during the webinars. The Fort Peck Tribes have not participated in any of the webinars thus far. The NRC staff plans to host one additional webinar on February 14, 2014 and encourages the Fort Peck Tribes to participate in this webinar.

- How does the NRC take into account the views and concerns of the Fort Peck Tribes?

The NRC staff invited the Fort Peck Tribes to participate in the identification of historic properties, which the Tribes declined. The staff also provided the opportunity for the Fort Peck Tribes to participate in the development of the PA, which the Tribes also declined. The NRC staff is committed to addressing the Fort Peck Tribe's concerns within our regulatory authority. As such, the NRC staff encourages the Fort Peck Tribes to participate in the remaining Section 106 activities and help the agency develop a final PA that takes into account the views and concerns of the Fort Peck Tribes.

- How does the NRC make its decision regarding which consulting parties to invite to sign the agreement and what their status should be?

The NRC staff follows the guidance provided by the ACHP to make its decision regarding which consulting parties to invite to sign the agreement. This guidance can be found in 36 CFR 800.6

(c)(1) and <http://www.achp.gov/moa.html>. All consulting tribes may participate as concurring parties.

- Has the NRC clarified its project schedule, milestones, and timelines to conclude the Section 106 process?

Yes, the NRC staff distributed the project schedule as part of the draft PA outline email (ML13322B658). The project schedule was discussed during the first webinar on the development of the draft PA hosted by the NRC on November 15, 2013.

- In consideration of confidentiality issues and government-to-government consultation, how did the NRC integrate the Fort Peck Tribes into its broader efforts to consult with Dewey-Burdock ISR project?

The NRC staff invited the Fort Peck Tribes to each consultation meeting, including all teleconferences and webinars. The NRC staff will continue to include the Fort Peck Tribes and the other 22 tribes identified as having an interest in the Dewey-Burdock project in the development of the PA as the staff moves the Section 106 process forward.

- 3) Concerns with NRC to Incorporate a Spill Prevention Control and Countermeasure Plan and its Emergency Response Plan in the Supplemental Environmental Impact Statement (SEIS)

In accordance with 10 CFR 20.1101, all applicants/licensees must have a Radiation Protection Program. In order to comply with this requirement, the applicants/licensees must develop a Radiation Protection Program that will include routine radiation surveys, respiratory protection, standard operating procedures (SOP) for spill response and cleanup, and worker training in radiological health and emergency response. The NRC staff also assessed whether the applicant adequately addressed potential accidents as part of its review for the Safety Evaluation Report (SER). As part of its accident analysis for the proposed Dewey-Burdock ISR Project, NRC assessed the following accident scenarios in the SER: chemical accidents, groundwater contamination, wellfield spills, transportation (vehicle) accidents, radioactive waste accidents, natural disasters (tornadoes, freezing temperatures, wind storms, and winter storms), processing plant releases, fires and explosions, and wildfires. The applicant committed to implementing emergency response procedures and training employees on what actions to perform in the event of an accident. The applicant will develop and implement an emergency response plan in accordance with OSHA regulations at 29 CFR Part 1910. This plan will include descriptions of notification and evacuation procedures, personal protective equipment, general firefighting safety rules, reporting procedures, and electrical and gas emergencies. Based on detailed review of the information provided in the application, NRC concluded in the SER that the applicant's designs, plans, and training are in compliance with 10 CFR 40.32(c), which requires that the applicant's proposed equipment, facilities, and procedures be adequate to protect health and minimize danger to life and property.

NRC notes that standard operating procedures (SOPs) regarding accidents are required as part of a standard license condition and are also included in the Powertech draft license as condition 10.4. License Condition 10.4 requires Powertech to develop the necessary spill prevention controls as well as an emergency response plan before commencing operations. These requirements are also discussed in the final SEIS.

- 4) Have the Fort Peck Tribes been eliminated from TCP opportunities because they did not comment towards a Programmatic Agreement?

The NRC staff offered the opportunities to conduct the tribal survey during April and May 2013 timeframe. During that time, seven out of 23 tribes participated in the survey. The Fort Peck Tribes declined to participate in the field survey. The NRC has since completed identification phase of the

Section 106 process and moved into assessing and mitigating effects of those sites identified during the survey. Even though the Fort Peck Tribes did not participate in the field survey, the Tribes still have the opportunity to participate in the development of the PA, which captures how to mitigate adverse impacts for sites that maybe within the project's disturbance areas.

The NRC is committed to meaningful consultation with Tribal governments and to complying with statutory provisions that require Tribal consultation, including NHPA. The agency acts consistently with the fundamental precepts of Executive Order (EO) 13175, "Consultation and Coordination with Indian Tribal Governments," in exercising its regulatory authority, even though the NRC, as an independent regulatory agency, is not required to do so. Additionally, the NRC's Intergovernmental Liaison Branch is in the process of developing an agency-wide Tribal Policy Statement to foster more effective interactions with federally recognized Tribes.

The topics you raise center on environmental concerns related to the licensing of the Dewey-Burdock facility and are addressed in the responses above. The NRC provided consulting Tribes the opportunity to submit input related to these topics and to participate in the numerous meetings concerning the Dewey Burdock project. The NRC considered information submitted by consulting Tribes during the environmental review process. Opportunities remain to participate in the discussions related to the development of PA related to the Dewey-Burdock site. The NRC staff hopes you will participate in the next webinar regarding the development of a PA.

The NRC staff acknowledges your invitation for the NRC to meet with the Fort Peck Tribal Council regarding the Dewey-Burdock site. In response to requests from other Tribal representatives, the NRC held a Tribal leaders meeting in Rapid City, South Dakota on May 22-23, 2013. The NRC invited the participation of Tribal Leaders or designated representatives from 32 Tribes (including the Fort Peck Tribes) to discuss ongoing NRC uranium recovery projects, including the Dewey-Burdock Project. The NRC staff set aside time during the May 22-23, 2013 meeting to address specific questions Tribal leaders had concerning specific projects currently under NRC review.

Budgetary limitations have prevented the NRC staff from meeting face-to-face with each Tribal council. For this reason, the NRC staff hosted the meeting with Tribal leadership in Rapid City, South Dakota, a location central to most consulting tribes. The NRC plans to hold future face-to-face meetings related to the licensing of uranium recovery projects in the region, and we will invite Tribal leaders to participate. The NRC will continue to coordinate with the Fort Peck Tribes and other consulting tribes regarding meetings, teleconferences, or webinars related to Dewey-Burdock and other NRC uranium recovery projects.

As noted above, the NRC's Intergovernmental Liaison Branch (ILB) is developing an agency-wide Tribal Policy Statement, which is intended to enhance our Tribal consultation and outreach activities. I have informed the ILB Branch Chief, Kevin O'Sullivan, of your request for consultation, and he will be in contact with you to learn more about your request.

Sincerely,

Haimanot Yilma

From: Cultural Resources Department [mailto:cultres@nemontel.net]
Sent: Tuesday, November 26, 2013 4:55 PM
To: Yilma, Haimanot
Subject: Re: Draft PA for the Dewey-Burdock Project

We are writing to call your attention to serious concerns about the purpose of Government-to-Government Consultation.

The primary purpose of government-to-government consultation as described in Federal Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments” is to ensure that Federally Recognized Tribes are given the opportunity to provide meaningful and timely input regarding proposed US Nuclear Regulatory Commission actions that uniquely or significantly affect Tribes.

With this letter, the Fort Peck THPO is bringing its concerns that uniquely or significantly affect our Tribes related to the planned and proposed Dewey-Burdock ISR project development adjacent to the Sacred Black Hills. Our earlier identification of Tribal concerns was brought forward in past meetings to avoid and minimize potential impacts to Tribal resources and practices as project planning and alternatives were developed and refined.

While grateful for the opportunity to submit comments, it is with great concern that the Fort Peck THPO submits these comments related to the proposed construction of the Dewey-Burdock ISR project. The Fort Peck Tribes and THPO have a number of environmental impact concerns, which are specified in these comments, and are calling on the U.S. Nuclear Regulatory Commission (NRC) to adequately address and mitigate these concerns with the Fort Peck Tribes pursuant to requirements established by Executive Order 13175 for consultation with tribal governments. The following are points in particular are:

- 1) Potential Environmental Impacts to Tribal Natural Resources, Water Quality, and Water Supply Systems;
 - a. Surface Water and Groundwater Impacts Identified by the Supplemental Environmental Impact Statement (SEIS)
 - b. Threats to Tribal Water Systems & Water Quality: Major Waterbody Crossings
 - c. Threats to Tribal Water Systems: The Mni Wiconi Rural Water System
- 2) Potential Impacts to Fort Peck Tribes Sacred Places;
 - a. §800.4 Identification of historic properties
 - Who was consulted to determine the appropriate scope of the overall identification process?
 - How did the NRC determine what constituted a reasonable and good faith effort to identify historic properties in the area of potential effects?
 - Does the area of potential effect reflect input from the Fort Peck Tribes as well as the SDSHPO?
 - How did the NRC identify properties of religious and cultural significance, and who carried out the identification and evaluation efforts?
 - Why has the Fort Peck Tribes not been offered the opportunity for site visits or an opportunity to review and comment on proposed identification efforts?
 - With whom did the NRC consult to determine if properties were eligible for the National Register?
 - How did the NRC acknowledge the special expertise of the Fort Peck Tribes to assess the eligibility of properties of religious and cultural significance to them?
 - With issues regarding confidentiality, how did the NRC consider protecting the relevant information? Who will have access to confidential information provided by the tribe? When and why?
 - b. §800.5 Assessment of adverse effects
 - When will the NRC consult with the Fort Peck Tribes about adverse effects?
 - When will the NRC notify the Fort Peck Tribes of its no adverse effect or adverse effect finding? How did the NRC consult with Indian tribes to determine whether there would be adverse effects to historic properties of religious and cultural significance?

- What did the NRC consider in reaching its findings?
 - Has the NRC considered access to and use of historic properties of religious and cultural significance in assessing effects?
- c. §800.6 Resolution of adverse effects
- Did the NRC notify the ACHP about the determination of adverse effect?
 - Is the ACHP still participating in the consultation?
 - Will the NRC consult with the Fort Peck Tribes to consider measures to avoid, minimize or mitigate the adverse effects to historic properties of religious and cultural significance to them?
 - How does the NRC take into account the views and concerns of the Fort Peck Tribes?
 - How does the NRC make its decision regarding which consulting parties to invite to sign the agreement and what their status should be?
 - Has the NRC clarified its project schedule, milestones, and timelines to conclude the Section 106 process?
 - In consideration of confidentiality issues and government-to-government consultation, how did the NRC integrate the Fort Peck Tribes into its broader efforts to consult with Dewey-Burdock ISR project?
- 3) Concerns with NRC to incorporate a Spill Prevention Control and Countermeasure Plan and its Emergency Response Plan in the Supplemental Environmental Impact Statement (SEIS)
- 4) Has the Fort Peck Tribes been eliminated from TCP opportunities because they did not comment towards a Programmatic Agreement?

As result of the findings included in our comments, the Fort Peck Tribes are inviting the U.S. Nuclear Regulatory Commission (NRC), in order to further its consultation requirements by attending a face-to-face meeting with the Fort Peck Tribal Council at your earliest convenience.

In total, if these concerns are not addressed sufficiently or mitigated to the fullest extent, it is in the best interest of the Fort Peck Tribes to reject the permit solely on the basis of the federal trust responsibility to tribal nations. The project as outlined in the SEIS possesses tremendous risks to the cultural and natural resources to the Fort Peck Tribes and is not in the best interest of the United States and its Indigenous peoples.

Thank you for your commitment to protecting the health and welfare of the Indian people of the Fort Peck Indian Reservation and we look forward to talking with you in the future.

----- Original Message -----

From: [Yilma, Haimanot](#)
To: [Yilma, Haimanot](#)
Cc: [Jamerson, Kellee](#) ; [Hsueh, Kevin](#) ; hluhman@louisberger.com
Sent: Friday, November 22, 2013 1:51 PM
Subject: Draft PA for the Dewey-Burdock Project

All,

On August 30, 2013, the NRC staff distributed a draft PA outline to all consulting parties to facilitate a discussion for the development of a Programmatic Agreement (PA) for the proposed Dewey-Burdock ISR project.

On Friday, November 15, 2013, the NRC staff hosted a webinar to discuss the draft PA outline and solicit feedback from all consulting parties for the development of the draft PA. Participants in the webinar included representatives from Oglala Sioux Tribe, Northern Cheyenne Tribe, South Dakota SHPO, BLM South Dakota and Montana field offices, ACHP, and Powertech, Inc. & its consultant.

Based on the feedback received during this call, the NRC staff has now developed a draft PA for your review and comment in advance of our next webinar scheduled for December 13, 2013 from 1:00pm to 3:00pm (MDT). The NRC staff appreciates your comments by December 6, 2013 in order to incorporate your suggestions before our next webinar.

For your information, the NRC has invited the following parties to participate in the webinars and the development of the PA:

BLM
SD SHPO
ACHP
Powertech, Inc.
Consulting Tribes (23)

Sincerely,

Haimanot Yilma
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Email Number: 318

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From: Yilma, Haimanot

Created By: Haimanot.Yilma@nrc.gov

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Options

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Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received: