

May 8, 2017

Ms. Trina Lone Hill
Tribal Historic Preservation Officer
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, SD 57770-2070

SUBJECT: COORDINATION OF A TRIBAL SURVEY TO IDENTIFY CULTURAL
RESOURCES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY
PROJECT (DOCKET NUMBER 40-9075)

Dear Ms. Lone Hill:

The U.S. Nuclear Regulatory Commission (NRC) staff recognizes the purpose and importance of identifying sites of cultural, historical, and religious significance to the Oglala Sioux Tribe that could be affected by the Dewey-Burdock In Situ Uranium Recovery (ISR) Project. On April 14, 2017, the NRC staff sent a letter to the Oglala Sioux Tribe (Agencywide Documents Access and Management System (ADAMS) Accession Number ML17103A500) with an offer of arrangements for site access and compensation to support a survey of the Dewey-Burdock ISR Project area. In the letter, the NRC staff requested a response by May 5, 2017. On April 28, 2017, counsel for the NRC staff received an e-mail from Mr. Jeffrey Parsons, counsel for the Oglala Sioux Tribe, indicating that there were changes in the Oglala Sioux Tribal Historic Preservation Office personnel, and that a timely response to the offer was therefore not realistic. Following receipt of Mr. Parson's e-mail, the NRC staff reached out to ascertain the appropriate point of contact for consultation with the Oglala Sioux Tribe on this matter. Based on those efforts, it is the NRC staff's understanding that you are currently serving as the Tribal Historic Preservation Officer for the Oglala Sioux Tribe. To account for these circumstances, the NRC staff is reissuing the offer letter to provide additional time to respond and to extend the available timeframe for site access for the tribal survey through August 2017.

As discussed in the aforementioned letter, the NRC staff is offering the following arrangements to the Oglala Sioux Tribe for site access and compensation to support a survey for sites of cultural, historical, and religious significance to the Oglala Sioux Tribe:

1. Powertech will open the Dewey-Burdock ISR Project site to Oglala Sioux tribal representatives for up to a two-week period to conduct a tribal survey during a timeframe of your choosing in June 2017 or August 2017.

The NRC understands that the Sun Dance ceremonial season takes place during the month of July and has therefore not listed dates during that timeframe. However, if the Tribe would prefer to conduct the tribal survey during this period of time, Powertech can open the site to the Oglala Sioux tribal representatives from July 1 to July 31, 2017.

2. The Oglala Sioux Tribe may send up to three representatives to participate in the tribal survey.

3. Lodging and per diem: Powertech will provide \$136.00 per day for lodging and \$59.00 per day for meals and incidental expenses for each tribal representative.

Mileage: Powertech will pay mileage at \$0.535 per mile for one round trip for up to two vehicles from the Oglala Sioux tribal representatives' point of origin to Edgemont, South Dakota. The Oglala Sioux Tribe should expect to work directly with Powertech to receive the compensation described. Tribal representatives should plan to make their own arrangements for lodging in Edgemont.

4. Powertech will provide a \$10,000 honorarium to the Oglala Sioux Tribe. This honorarium may be used at the Tribe's discretion.
5. Each tribal representative visiting the Dewey-Burdock project site will be provided with a safety briefing and will be required to sign a release of liability.
6. Powertech will provide daily transportation from the Edgemont office to the Dewey-Burdock project area. Powertech will escort tribal representatives as close as possible to any portions within the 10,580-acre license area, but will not directly accompany the tribal representatives during their examination of the areas that they choose to survey. An NRC representative will be present during each day of the tribal survey.
7. Oglala Sioux tribal representatives who encounter potentially sensitive properties or features during the survey may, if they wish, request that Powertech use a GPS unit to record the general boundaries of any sites or features identified. Powertech will sign a confidentiality agreement limiting use of this information to appropriate company personnel involved in the project design or operation and to facilitate land management.

The NRC staff expects that the Oglala Sioux tribal representatives will provide a written report to the NRC staff within 30 days following the survey, or other such time as agreed upon between the Oglala Sioux Tribe and the NRC staff. In order to provide information necessary to support the NRC staff's consideration of sites of cultural, historical, and religious significance to the Oglala Sioux Tribe under the National Historic Preservation Act and the National Environmental Policy Act, this report should include the following:

1. an identifying label for each identified site of cultural, historical, or religious significance to the Oglala Sioux Tribe (for example, OST-1, OST-2, etc.);
2. a discussion of the fieldwork completed, including the methodology and license areas examined;
3. a brief description of each individual site recorded;
4. a National Register of Historic Places (NRHP) evaluation of each individual site recorded;
5. recommendations concerning the potential NRHP eligibility for each site recorded and the basis for eligibility using the NRHP Criteria for Evaluation as described in Title 36 of the *Code of Federal Regulations*, Section 60.4, including previously identified archaeological sites within the Dewey-Burdock license area; and

6. recommendations for appropriate avoidance buffers or possible mitigation measures, should any of the sites recommended as eligible be adversely affected by the project.

Site descriptions in the report need not include interpretive information that the Tribe may consider confidential. Information concerning the location of any identified sites of cultural, historical, or religious significance to the Oglala Sioux Tribe may be reported separately and directly to the NRC as a confidential appendix to the survey report so that this information will not be disclosed to the public. Site location information provided by the Oglala Sioux Tribe as part of this confidential appendix will be protected from public disclosure consistent with Section 304 of the National Historic Preservation Act and other applicable laws to the extent allowed. After the Oglala Sioux Tribe provides the NRC with a written tribal survey report, the NRC, in consultation with the South Dakota State Historic Preservation Officer and the Tribe, will make a determination of adverse effects if properties of cultural, historical, or religious significance are identified. If adverse effects are identified, the NRC staff will consult with the Oglala Sioux Tribe to seek ways to avoid, minimize, or mitigate the adverse effects.

In accordance with Title 10 of the *Code of Federal Regulations*, Part 2.390 a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

The NRC staff requests a response to this letter, stating your acceptance or rejection of the offer to conduct the tribal survey according to the terms described above, no later than May 19, 2017. If you have any questions or comments, please contact Ms. Kellee Jamerson of my staff. Ms. Jamerson can be reached at (301) 415-7408 or via e-mail at: Kellee.Jamerson@nrc.gov.

Sincerely,

/RA/

Cintha I. Román, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-9075
License No.: SUA-1600

cc: Mr. Troy "Scott" Weston, President

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DATED: MAY 8, 2017

DISTRIBUTION: AKock, DUWP JTappert, DUWP CErlanger, FCSE BSmith, FCSE

ADAMS Accession Number: ML17128A076

OFC	FCSE/ERB	FCSE/ERB	OGC	FCSE/ERB
NAME	KJamerson	AWalker-Smith	DCylkowski	CRomán
DATE	05/08/17	05/08/2017	05/08/17	05/08/2017

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