



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

June 29, 2017

Mr. Roland Backhaus
Bryan Cave LLP
1155 F Street, NW
Washington, DC 20004

Dear Mr. Backhaus:

This letter is in response to your letter dated May 23, 2017, regarding the jurisdictional determination related to the Fort Berthold Indian Reservation in North Dakota. Specifically, you requested that the U.S. Nuclear Regulatory Commission (NRC) confirm there is exclusive Federal jurisdiction for the wells located on the Fort Berthold Indian Reservation.

From a review of the enclosed map, it appears the locations of the wells that you have provided where the proposed flowmeters will be used, are in Unit 1 in the Four Bears area and in Unit 3 on the east side of Lake Sakakawea in the Lucky Mound and White Shield areas of the Fort Berthold Indian Reservation. Since the locations of the activities at the wells you have provided will be performed on the Fort Berthold Indian Reservation in areas of exclusive Federal jurisdiction, any activities associated to the use of byproduct, source, and special nuclear material in the proposed wells will be regulated by the NRC. To discuss the necessary licensing, Vivian Campbell in NRC's Region IV office should be contacted.

If you have any questions regarding the information provided in this letter, please contact me at (301) 415-5804 or Mr. Stephen Poy of my staff at (301) 415-7135.

Sincerely,

/Duncan White for/

Paul Michalak, Branch Chief
Agreement State Programs Branch
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Map of Fort Berthold Reservation
(ML17150A432)

R. Backhaus

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SUBJECT: REPOSE LETTER TO MR BACKHAUS RE: JURISDICTIONAL DETERMINATION

DISTRIBUTION:

V. Campbell
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OFC	MSTR/ASPB	MSTR/ASPB	OGC	MSTR
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DATE	06/16/17	06/21/17	06/15/17	06/29/17

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