

April 11, 2018

William J. Froehlich, Chair
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark O. Barnett
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

G. Paul Bollwerk, III
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
POWERTECH (USA) INC.,
Docket No. 40-9075-MLA; ASLBP No. 10-898-02-MLA-BD01

Dear Administrative Judges:

By letters dated March 16, 2018, the Staff informed the parties of its selection of an approach to remedy the deficiencies identified by the Board with respect to the Staff's environmental review of tribal cultural resources that may be affected by the Dewey-Burdock project. In a teleconference with the Board and parties held on April 6, 2018, Powertech committed to providing the Staff with information necessary to the Staff's implementation of its selected approach on or before April 11, 2018.

By letter dated April 11, 2018, Powertech requested that the Staff urgently proceed with the approach and timeline outlined in the Staff's March 16 letter. Powertech informed the Staff that it would provide the field survey support necessary to the implementation of the Staff's approach as described in the Staff's March 16 letter. Powertech also informed the Staff of its intent to reimburse each Lakota Sioux Tribe participating in the field survey element of the Staff's approach in accordance with the following:

- Lodging and per diem at a rate of \$136.00 per day for lodging and \$59.00 per day for meals and incidental expenses for each tribal representative;
- Mileage at a rate of \$0.535 per mile for one round trip for each phase of the field survey for up to two vehicles for each Lakota Sioux Tribe from the tribal representatives' point of origin to Edgemont, South Dakota;
- One \$10,000 honorarium to each Lakota Sioux Tribe to be used at the discretion of the Tribe.¹

¹ Powertech's letter states, "[f]or clarity, each honorarium will be paid to each Lakota Sioux Tribe on successful completion of all activities pertaining to the NRC Staff approach, in accordance with the timeline developed by the NRC Staff, including the submission of a final report identifying historic, cultural, and religious sites at the Dewey-Burdock Project or a written submission that no such report will be submitted." Letter from John Mays, Powertech USA Inc., to Cinthya I. Roman, U.S. NRC (Apr. 11, 2018), at unnumbered page 2.

Also on April 11, 2018, counsel for the Oglala Sioux Tribe informed counsel for the Staff that Ms. Trina Lone Hill is no longer affiliated with the Oglala Sioux Tribal Historic Preservation Office. Counsel for the Oglala Sioux Tribe provided the Staff with interim contact information for the Tribe and indicated that they are working with the Tribe to designate a new contact for the Staff to facilitate the Tribe's participation going forward. Counsel for the Tribe stated that the Tribe's position in support of the Staff's approach has not changed and that the Tribe looks forward to participating in the upcoming efforts.

Having assurance that Powertech will provide the field survey support necessary to the implementation of the Staff's selected approach, the Staff intends to issue letters to the other Lakota Sioux Tribes on April 12, 2018, inviting them to participate in the Staff's selected approach and requesting their responses by May 11, 2018. The Staff also plans to issue a letter in the near term to the Oglala Sioux Tribe's new point of contact to provide the updated information regarding the terms of reimbursement for participation in the field survey element of the Staff's selected approach.

In accordance with the timeline associated with the Staff's selected approach, the Staff plans to conduct a teleconference and webinar the week of May 28–June 1 with the Tribes interested in participating in a field survey of the Dewey-Burdock site in order to finalize a methodology for the field survey. By its letters dated April 12, 2018, the Staff will also request the input of the Tribes on a preferred date for the teleconference and webinar.

The Staff will update the Board on the status of its efforts to resolve Contention 1A on May 1, 2018.

Respectfully submitted,

***/Signed (electronically) by/
Emily Monteith***

Emily Monteith
Counsel for NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWERTECH (USA) INC)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02- MLA-BD01
)	
(Dewey-Burdock In Situ Uranium Recovery)	Date: April 11, 2018
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "LETTER TO BOARD RE STAFF ACTION ON APPROACH" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 11th day of April, 2018. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on April 11, 2018.

***/Signed (electronically) by/
Emily Monteith***

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