



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

April 13, 2018

Mr. John M. Mays  
Chief Operating Officer  
Azarga Uranium Corporation  
5575 DTC Parkway, Suite 140  
Greenwood Village, CO 80111-3012

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S IMPLEMENTATION OF THE APPROACH TO IDENTIFY HISTORIC, CULTURAL, AND RELIGIOUS SITES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT IN FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA (DOCKET NUMBER: 40-9075)

Dear Mr. Mays:

The U.S. Nuclear Regulatory Commission (NRC) staff appreciates Powertech (USA), Inc.'s supplemental response dated April 11, 2018 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML18101A223), clarifying its position with respect to the NRC staff's letter dated March 16, 2018 (ADAMS Accession Number ML18074A403), describing the NRC staff's approach to identify sites of historic, cultural, and religious significance to the Lakota Sioux Tribes and gather information to supplement the analysis in the Final Supplemental Environmental Impact Statement for the Dewey-Burdock in situ uranium recovery (ISR) project in Fall River and Custer Counties, South Dakota.

In its letter, Powertech agreed to support the approach the NRC staff selected as described in the March 16, 2018 letter and specifically committed to support the field survey by:

- providing site access;
- providing a safety briefing to the participants of the field survey (consistent with previous practices, each participating tribal representative would be expected to sign a release of liability);
- providing daily transportation from the Edgemont office to the Dewey-Burdock ISR project area;
- escorting tribal representatives to the areas to be surveyed and, to the extent possible, not directly accompanying the tribal representatives during their examination of the areas (if requested);
- providing GPS unit(s) to document the general boundaries of sites or features encountered and identified during the field survey;
- signing a confidentiality agreement limiting use of this information to appropriate company personnel involved in the project design or operation; and
- providing updated maps of the Dewey-Burdock ISR project site that identify areas that could be impacted by the ISR construction and operations, to the extent possible.

Powertech also agreed to provide the following reimbursement and compensation to each of the Lakota Sioux Tribes that participates in the NRC's approach.

- Lodging and per diem - \$136.00 per day for lodging and \$59.00 per day for meals and incidental expenses for each tribal representative.
- Mileage - \$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.
- Honorarium - \$10,000 honorarium to each Lakota Sioux Tribe. Powertech has clarified that the honorarium may be used at each Tribe's discretion and will be paid upon successful completion of all activities pertaining to the NRC's 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 ISR project or a written submission that no such report will be submitted.

The NRC staff finds that the selected approach provides a reasonable and meaningful opportunity for obtaining information on the Lakota Sioux Tribes historic, religious, and cultural resources. Accordingly, the NRC staff is moving forward with its approach and associated timeline.

Powertech requested that the NRC utilize a portion of its ten percent discretionary budget under the Omnibus Budget Reconciliation Act to pay for the entirety of the NRC's staff and contractor costs. The NRC staff refers Powertech to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 170, "Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services under the Atomic Energy Act of 1954, as Amended," under which Powertech may request an exemption by submitting a request to the NRC's Office of the Chief Financial Officer.

In accordance with 10 CFR Section 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>.

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](mailto: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: List see next page

J. Mays

-3-

cc:

Mr. Blake Steele  
President and Chief Executive Officer  
Powertech (USA), Inc.

Mr. Anthony J. Thompson  
Counsel for Powertech (USA), Inc.

Mr. Christopher S. Pugsley  
Counsel for Powertech (USA), Inc.

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DATED: April 13, 2018

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**ADAMS Package Accession Number: ML18103A070**

**\*via email**

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