



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

April 13, 2018

Mr. Kyle White, Interim Director  
Oglala Sioux Tribe Natural  
Resources Regulatory Agency  
Oglala Sioux Tribe  
PO Box 320  
Pine Ridge, SD 57770

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. White:

The U.S. Nuclear Regulatory Commission (NRC) staff appreciates the Oglala Sioux Tribe's commitment to participate in the implementation of the NRC staff's selected approach and associated timeline described in NRC's March 16, 2018, letter (Agencywide Documents Access and Management System [ADAMS] Accession Number ML18074A393), to identify sites of historic, cultural, and religious significance to the Lakota Sioux Tribes and gather information to supplement the Final Supplemental Environmental Impact Statement for the Dewey-Burdock in situ uranium recovery (ISR) project in Fall River and Custer Counties, South Dakota.

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.

Based on Powertech (USA), Inc.'s supplemental information provided on April 11, 2018, Powertech has agreed 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 has reached out to the Lakota Sioux Tribes to invite them to participate in the selected approach consistent with the noted timeline. The NRC staff greatly appreciates the Oglala Sioux Tribe's commitment to assisting the NRC staff with the coordination efforts and understands that the Tribe has begun its outreach to the Tribes. To continue to carry out the activities in a productive and timely manner, the NRC staff respectfully requests the Oglala Sioux Tribe's continued cooperation with these coordination efforts.

In addition, the NRC staff welcomes any input or information that the Tribe would like to provide in advance of the anticipated webinar/teleconference call to establish the survey methodology, which is anticipated to occur the week of May 28, 2018. If there are dates during that week when the Tribe would prefer to hold the webinar/teleconference call, please let the NRC staff know as well.

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>.

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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:  
Mr. Troy "Scott" Weston, President  
Oglala Sioux Tribe

Mr. Jeff C. Parsons, Counsel  
for the Oglala Sioux Tribe

Mr. Mr. Travis E. Stills, Counsel  
for the Oglala Sioux Tribe

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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)

DATED: April 13, 2018

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**ADAMS Package Accession Number: ML18103A150**

**\*via email**

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