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Subject: June 2018 Field Survey Effort - Dewey-Burdock ISR Project
Date: Friday, June 08, 2018 10:37:00 AM
Attachments: [D-B Initial Work Plan.pdf](#)

Hello Mr. Vance,

Thank you for your letter. We are sorry to hear that the Cheyenne River Sioux Tribe will not be joining us next week for this important field effort. I would, however, like to take the opportunity to clarify some matters regarding the U.S. Nuclear Regulatory Commission (NRC) staff's selected approach to obtain information on the cultural, historical, and religious sites of significance to the Lakota Sioux Tribes that may be impacted by the Dewey-Burdock in situ uranium recovery (ISR) project in Fall River and Custer Counties, South Dakota.

In April 2014, the NRC issued a license to Powertech to construct and operate the Dewey-Burdock ISR facility. As part of its licensing review, the NRC issued a safety evaluation report in accordance with the NRC regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), a final supplemental environmental impacts statement (FSEIS), Supplement 4 of NUREG-1910, in accordance with the National Environmental Policy Act (NEPA), and executed a Programmatic Agreement in accordance with the Section 106 of the National Historic Preservation Act (NHPA).

The adequacy of the analysis in the FSEIS for the Dewey-Burdock ISR project is the subject of an adjudicatory proceeding before the Atomic Safety and Licensing Board Panel (ASLBP). The ASLBP found that the NRC staff had satisfied the requirements of the NHPA but had failed to meet the "hard look" standard of NEPA in assessing the impacts of the Dewey-Burdock ISR project on the cultural, historical, and religious sites of significance to Lakota Sioux Tribes in its FSEIS (LBP-15-16, April 30, 2015, and LBP-17-09, October 19, 2017).

After discussions with the parties to the adjudicatory proceeding, including the Oglala Sioux Tribe, Powertech, and Consolidated Intervenors, and based on the input provided by these parties, the NRC staff selected an approach to obtain further information on the cultural, historical, and religious sites of significance to the Lakota Sioux Tribes. The NRC invited the Cheyenne River Sioux Tribe to participate in the implementation of the approach in a letter dated April 12, 2018.

The selected approach included, among other activities, a field survey effort with Tribes. Furthermore, the approach calls for the development of the survey methodology with the Tribes. Accordingly, the NRC invited Tribes to participate in discussions with the NRC and its contractor to develop the survey methodology. The NRC held two webinar and teleconference sessions (June 1 and June 4) and a follow-up teleconference call on June 5 to gather input from Tribes on and develop the survey methodology together. We had meaningful discussions with Tribes that participated in the webinars and teleconference calls and, as a result, the NRC staff sent the Tribes a summary of a proposed initial work plan for consideration by the invited Tribes. In the event that staff does not receive comments on the proposed plan or an alternative approach from the Tribes, the NRC staff plans to follow the attached proposed work plan at the field survey effort next week. However, as discussed in the webinar and teleconference call sessions, the proposed work plan is flexible to adjust to recommendations and input provided at the field survey next week.

We hope that you join us next week at the field survey.

Regards,
Diana

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