



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

Hearing Exhibit

Exhibit Number:

Exhibit Title:

November 23, 2016

Ms. Trina Lone Hill
Tribal Historic Preservation Officer
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, SD 57770

**SUBJECT: INVITATION FOR TELECONFERENCE AND CONTINUED CONSULTATION
REGARDING THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY
PROJECT (DOCKET NUMBER: 40-9075)**

Dear Ms. Lone Hill:

The U.S. Nuclear Regulatory Commission (NRC) staff met with you and other representatives of the Oglala Sioux Tribe on May 19, 2016, in Pine Ridge, South Dakota. During this meeting, the Oglala Sioux Tribe shared their concerns regarding the surveys conducted at Powertech (USA) Inc.'s Dewey-Burdock Project site to identify historic and cultural resources, the lack of meaningful opportunities in the Dewey-Burdock Programmatic Agreement (PA) for Tribes to provide input about the management of these resources, and the continued effectiveness of the license in light of the Atomic and Safety Licensing Board (ASLB's) April 30, 2015 decision. The Oglala Sioux Tribe also requested that the NRC staff take into account Tribal Treaties, laws and ordinances prohibiting nuclear activities within Treaty lands.

During a teleconference held on November 7, 2016 with the ASLB and parties in the Dewey-Burdock proceeding, counsel for the Oglala Sioux Tribe noted that the Oglala Sioux Tribe was awaiting the NRC staff's response to the suggestions raised by the Oglala Sioux Tribe in the May 19, 2016 meeting. Therefore, in this letter, the NRC staff addresses the Oglala Sioux Tribe's objection to the continued effectiveness of the license and the Oglala Sioux Tribe's request that the NRC staff take into account Tribal Treaties, laws and ordinances prohibiting nuclear activities within Treaty lands. The NRC staff invites the Oglala Sioux Tribe to meet with the staff to discuss the parameters of an additional survey of the Dewey-Burdock site and the Oglala Sioux Tribe's recommendations regarding the Dewey-Burdock PA.

With respect to the license for the Dewey-Burdock Project, the NRC staff does not currently believe that circumstances require staying the effectiveness of the license. The licensee has not begun construction activities, and it has not obtained permits from the U.S. Environmental Protection Agency and the State of South Dakota that are required before the licensee could commence construction and operation of the Dewey-Burdock Project.

With respect to the Oglala Sioux Tribe's request that the NRC staff take into account Tribal Treaties, laws and ordinances prohibiting nuclear activities within Treaty lands, the NRC staff reiterates its willingness to consider these laws and ordinances as part of the consultation process. During the May 19, 2016 meeting, the Oglala Sioux Tribe offered to provide to the NRC staff the references to these laws and ordinances. Therefore, at your convenience, we

request that you share these references with the NRC staff's point of contact, Ms. Kellee Jamerson. They may also be provided to the NRC staff's counsel, Ms. Emily Monteith, who can be reached at (301) 287-9119 or via email at Emily.Monteith@nrc.gov.

The NRC staff would like to arrange a meeting to further consult with the Oglala Sioux Tribe regarding the parameters of an additional survey of the Dewey-Burdock site and the Oglala Sioux Tribe's recommendations regarding the Dewey-Burdock PA. The NRC staff proposes to hold this meeting via a teleconference call, which the staff envisions would be approximately two hours in duration. The NRC staff proposes a date during the weeks of December 12, 2016, December 19, 2016, or January 9, 2017, for this teleconference. We request that you respond with a preferred date and time for a teleconference during this timeframe. If this suggested timeframe is not agreeable, we request that you respond within 30 days of receipt of this letter with an alternate date and time that is suitable for your schedule.

If you have any questions or comments, please contact Ms. Jamerson of my staff at (301) 415-7408 or via email at Kellee.Jamerson@nrc.gov.

Sincerely,

/RA/

Jill Caverly, Acting Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No.: 40-9075

cc:

Mr. Jeffrey C. Parsons
Senior Attorney
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540

request that you share these references with the NRC staff's point of contact, Ms. Kellee Jamerson. They may also be provided to the NRC staff's counsel, Ms. Emily Monteith, who can be reached at (301) 287-9119 or via email at Emily.Monteith@nrc.gov.

The NRC staff would like to arrange a meeting to further consult with the Oglala Sioux Tribe regarding the parameters of an additional survey of the Dewey-Burdock site and the Oglala Sioux Tribe's recommendations regarding the Dewey-Burdock PA. The NRC staff proposes to hold this meeting via a teleconference call, which the staff envisions would be approximately two hours in duration. The NRC staff proposes a date during the weeks of December 12, 2016, December 19, 2016, or January 9, 2017, for this teleconference. We request that you respond with a preferred date and time for a teleconference during this timeframe. If this suggested timeframe is not agreeable, we request that you respond within 30 days of receipt of this letter with an alternate date and time that is suitable for your schedule.

If you have any questions or comments, please contact Ms. Jamerson of my staff at (301) 415-7408 or via email at Kellee.Jamerson@nrc.gov.

Sincerely,

/RA/

Jill Caverly, Acting Chief
 Environmental Review Branch
 Division of Fuel Cycle Safety, Safeguards,
 and Environmental Review
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 40-9075

cc:

Mr. Jeffrey C. Parsons
 Senior Attorney
 Western Mining Action Project
 P.O. Box 349
 Lyons, CO 80540

ADAMS Accession No.: ML16327A549

OFFICE	NMSS	NMSS	OGC	NMSS
NAME	KJamerson	AWalker-Smith	EMonteith via email	JCaverly
DATE	11/22/16	11/23/16	11/21/16	11/23/16

OFFICIAL RECORD COPY