



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:

April 14, 2017

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

SUBJECT: COORDINATION OF A TRIBAL SURVEY TO IDENTIFY CULTURAL  
RESOURCES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY  
PROJECT (DOCKET NUMBER 40-9075)

Dear Ms. Lone Hill:

The U.S. Nuclear Regulatory Commission (NRC) staff recognizes the purpose and importance of identifying sites of cultural, historical, and religious significance to the Oglala Sioux Tribe that could be affected by the Dewey-Burdock In Situ Uranium Recovery (ISR) Project. Pursuant to our teleconference meeting held on January 31, 2017 (Agencywide Documents Access and Management System (ADAMS) (Accession Number ML17060A260)) between the NRC and the Oglala Sioux Tribe, the Tribe committed to providing the NRC with information about a tribal survey approach to aid the discussion and establishment of a survey and to providing its availability for a teleconference in early April to discuss that information. To date, the NRC has not received any information from the Oglala Sioux Tribe regarding a tribal survey approach or availability for a teleconference on that matter. Therefore, the NRC staff is offering the following arrangements to the Oglala Sioux Tribe for site access and compensation to support a survey for sites of cultural, historical, and religious significance to the Oglala Sioux Tribe:

1. Powertech will open the Dewey-Burdock ISR Project site to Oglala Sioux tribal representatives for up to a two-week period to conduct a tribal survey during a timeframe of your choosing from May 15, 2017, to June 30, 2017.

The NRC understands that the Sun Dance ceremonial season takes place during the month of July and has therefore not listed dates during that timeframe. However, if the Tribe would prefer to conduct the tribal survey during this period of time, Powertech can open the site to the Oglala Sioux tribal representatives during July 1 to July 31, 2017.

2. The Oglala Sioux Tribe may send up to three representatives to participate in the tribal survey.
3. Lodging and per diem: Powertech will provide \$136.00 per day for lodging and \$59.00 per day for meals and incidental expenses for each representative

Mileage: Powertech will pay mileage at \$0.535 per mile for one round trip for up to two vehicles from the Oglala Sioux tribal representatives' point of origin to Edgemont, South Dakota.

The Oglala Sioux Tribe should expect to work directly with Powertech to receive the compensation described. Tribal representatives should plan to make their own arrangements for lodging in Edgemont.

4. Powertech will provide a \$10,000 honorarium to the Oglala Sioux Tribe. This honorarium may be used at the Tribe's discretion.
5. Each tribal representative visiting the Dewey-Burdock project site will be provided with a safety briefing and will be required to sign a release of liability.
6. Powertech will provide daily transportation from the Edgemont office to the Dewey-Burdock project area. Powertech will escort tribal representatives as close as possible to any portions within the 10,580-acre license area but will not directly accompany the tribal representatives during their examination of the areas that they choose to survey. An NRC representative will be present during each day of the tribal survey.
7. Oglala Sioux tribal representatives who encounter potentially sensitive properties or features during the survey may, if they wish, request that Powertech use a GPS unit to record the general boundaries of any sites or features identified. Powertech will sign a confidentiality agreement limiting use of this information to appropriate company personnel involved in the project design or operation and to facilitate land management.

The NRC staff expects that the Oglala Sioux tribal representatives will provide a written report to the NRC staff within 30 days following the survey, or other such time as agreed upon between the Oglala Sioux Tribe and the NRC staff. In order to provide information necessary to support the NRC staff's consideration of sites of cultural, historical, and religious significance to the Oglala Sioux Tribe under the National Historic Preservation Act and the National Environmental Policy Act, this report should include the following:

1. an identifying label for each identified site of cultural, historical, or religious significance to the Oglala Sioux Tribe (for example, OST-1, OST-2, etc.);
2. a discussion of the fieldwork completed, including the methodology and license areas examined;
3. a brief description of each individual site recorded;
4. a National Register of Historic Places (NRHP) evaluation of each individual site recorded;
5. recommendations concerning the potential NRHP eligibility for each site recorded and the basis for eligibility using the NRHP Criteria for Evaluation as described in 36 CFR 60.4, including previously identified archaeological sites within the Dewey-Burdock license area; and
6. recommendations for appropriate avoidance buffers or possible mitigation measures, should any of the sites recommended as eligible be adversely affected by the project.

Site descriptions in the report need not include interpretive information that the Tribe may consider confidential. Information concerning the location of any identified sites of cultural,

historical, or religious significance to the Oglala Sioux Tribe may be reported separately and directly to the NRC as a confidential appendix to the survey report so that this information will not be disclosed to the public. Site location information provided by the Oglala Sioux Tribe as part of this confidential appendix will be protected from public disclosure consistent with Section 304 of the National Historic Preservation Act and other applicable laws to the extent allowed. After the Oglala Sioux Tribe provides the NRC with a written tribal survey report, the NRC, in consultation with the South Dakota State Historic Preservation Officer and the Tribe, will make a determination of adverse effects if properties of cultural, historical, or religious significance are identified. If adverse effects are identified, the NRC staff will consult with the Oglala Sioux Tribe to seek ways to avoid, minimize, or mitigate the adverse effects.

In accordance with Title 10 of the *Code of Federal Regulations* 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>.

The NRC requests a response to this letter, stating your acceptance or rejection of the offer to conduct the tribal survey according to the terms described above, no later than May 5, 2017. 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

SUBJECT: COORDINATION OF A TRIBAL SURVEY TO IDENTIFY CULTURAL RESOURCES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT (DOCKET NUMBER 40-9075)

DATED: APRIL 14, 2017

**DISTRIBUTION:** AKock, NMSS

**ADAMS Accession Number: ML17103A500**

**(\* via e-mail)**

<b>OFC</b>	<b>FCSE/ERB</b>	<b>FCSE/ERB</b>	<b>OGC</b>	<b>FCSE/ERB</b>
<b>NAME</b>	KJamerson (*DToro-Diaz for)	AWalker-Smith	*DCylkowski	CRomán
<b>DATE</b>	4/13/17	4/13/17	4/13/17	4/14/17

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