



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:

September 24, 2015

William J. Froelich, Chair
Administrative Judge
Atomic Safety Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark O. Barnett
Administrative Judge
Atomic Safety Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

G. Paul Bollwerk, III
Administrative Judge
Atomic Safety Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
POWERTECH (USA) INC.
Docket No. 40-9075-MLA; ASLBP No. 10-898-02-MLA-BD01

Dear Administrative Judges:

The Oglala Sioux Tribe hereby informs the Board that on September 24, 2015, the Tribe sent the attached letter to the NRC Staff in response to the August 26, 2015 letter sent from the NRC Staff to the Oglala Sioux Tribe.

Sincerely,

/signed (electronically) by/
Jeffrey C. Parsons

Jeffrey C. Parsons
Western Mining Action Project
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Lyons, CO 80540
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Counsel for Oglala Sioux Tribe



Oglala Lakota

Cultural Affairs & Historic Preservation

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Advisory Council:

Jhon Goes In Center – Member/Chair

Garvard Good Plume, Jr. – Founding Member

Francis 'Chubbs' Thunder Hawk - Ex-Officio Member

Dr. Hannan LaGarry – Ex-Officio Member

In Honor

(In Spirit) Elaine Quiver – Founding Member

(In Spirit) Wilmer Mesteth – Founding Member

Personnel:

Dennis Yellow Thunder – Director / THPO

Mike CatchesEnemy - Tribal Archaeologist

Joni Tobacco – Project Review Specialist

Sara Buckman – Historic Preservation Assistant

Loni Weston – Cultural Resource Specialist

Lisa White Eyes– Cultural Resource Monitor

Jacob Ferguson-Cultural Resource Monitor

September 24, 2015

Marissa G. Bailey, Director
Division of Fuel Cycle Safety, Safeguards and Environmental Review
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Bailey,

Thank you for your letter dated August 26, 2015 regarding NRC Staff's obligations to reinstate meaningful consultation and review of cultural resource impacts and mitigation associated with the proposed mine under the National Historic Preservation Act (NHPA), and also the required analysis of these impacts and mitigation measures under the National Environmental Policy Act (NEPA). Your letter helps the Oglala Sioux Tribe's Office of Cultural Affairs and Historic Preservation better understand what appears to have been a substantial restructuring of your bureaucratic organizational chart over the past year.

The Tribe appreciates your offer to help arrange a meeting to introduce the NRC Staff's new management team and to work toward NRC Staff compliance with the ASLB order, which required that "procedures must be put into place to assure that the required NEPA hard look is taken, the NRC's Part 51 environmental regulations are satisfied, and an opportunity for meaningful consultation is provided." LBP-15-16 at 42-43. The Tribe believes that a meeting in the region of the proposed project would be best, perhaps at Pine Ridge. Further, any such meeting should accommodate not only time to discuss the relevant issues with representatives from the Oglala Sioux Tribe, but also with the other Sioux Tribes that have expressed similar concerns with the project, as the Oglala Sioux Tribe believes that the NHPA and NEPA analyses would benefit greatly from better inclusion of the perspectives of these governments and tribal members. As stated in the Oglala Sioux Tribe's previous letter transmitted to you on July 14, 2015, many of the affected Tribes were unsatisfied with and objected to the Programmatic Agreement (PA) upon which NRC principally relied in its prior unsuccessful attempt to satisfy its NHPA and NEPA obligations.

Given the coordination necessary for such a meeting, it would be most beneficial if Ms. Chang, Mr. Ehrlander, and yourself could provide a range of potential dates that would allow for such a meeting, and the Oglala Sioux Tribe can work to help NRC Staff coordinate with all of the interested and affected parties to ensure the fullest level of participation possible.

Respectfully,

/s/ Dennis Yellow Thunder

Dennis Yellow Thunder
Director/THPO OST

Cc: Honorable Oglala Sioux Tribal President John Yellow Bird Steele
Executive Director, Tiger Brown Bull.
Jhon Goes In Center, OSTHPAC Member
Garvard Good Plume, Jr., OSTHPAC Member

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