



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

March 5, 2021

Mr. Harold Salway, Director
Natural Resources Regulatory
Agency
Oglala Sioux Tribe
P.O. Box 320
Pine Ridge, SD 57770

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION IDENTIFICATION EFFORTS
FOR TRIBAL SITES REGARDING THE CROW BUTTE IN SITU URANIUM
RECOVERY LICENSE RENEWAL PROCEEDING (DOCKET NUMBER 40-
8943)

Dear Mr. Salway:

The U.S. Nuclear Regulatory Commission (NRC) staff appreciates the information shared by the Oglala Sioux Tribe during the February 8, 2021 meeting regarding the NRC staff's efforts to identify sites of historic, cultural, and religious significance to the Tribe that could be affected by the continued operation of the Crow Butte in situ uranium recovery (ISR) facility under the renewed license. A summary of this meeting is publicly available at NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML21057A131.

During the meeting, the NRC staff asked the Oglala Sioux Tribe's participants for input on elements of a survey that the Tribe considers important to identifying sites and making significance determinations. The site survey would be conducted by Tribal participants accompanied by the NRC staff and its contractor. The survey would entail the examination of the Crow Butte ISR site to identify sites of historic, cultural and religious significance to the Tribe within the license area boundary (2,875 acres). The NRC contractor would facilitate the site survey, gather information about the sites, and document findings and supporting information, as appropriate, to be considered in the development of a site survey report. To continue to facilitate timely development of a survey methodology, the NRC staff has begun identifying potential elements of the methodology. For example, the NRC staff seeks the Tribe's input on the following proposed elements:

- Scope of survey of Crow Butte ISR site. The NRC staff anticipates that the site survey would consist of onsite field work and information-gathering sessions with Tribal elders and spiritual leaders.
- Site survey conducted in two phases. A two-phase approach (examining the site at two separate times) would provide an opportunity for the Tribal participants to discuss results and findings of the site survey with the Tribal Council and Advisory Committees between the two phases of the site survey; would provide an opportunity to revisit the site to examine different areas or to re-examine previously-visited areas; and would provide the

possibility of different dates to participate in the site survey in the event of schedule conflicts.

- Tribal Elder and Spiritual Advisor participation. Information-gathering sessions with the Tribal Elders and Spiritual Advisors would be integrated into the site survey, either by having Tribal Elders/Spiritual Advisors participate in onsite field work or by having discussions with them at the Pine Ridge Reservation about the findings of the onsite field work.
- Evaluation of previously-identified sites. The site survey would also include the Tribe's evaluation of tribal sites identified during the 1980s Bozell & Pepperl Survey conducted by the licensee's contractor.

The NRC staff has not determined that these elements are required to complete the survey but has proposed them to provide examples of the type of feedback the staff seeks from the Tribe and to prompt further discussion. The NRC staff requests input on the elements described above as well as any other elements that the Tribe considers important in developing a survey methodology.

As mentioned in the February 8 meeting, because this is an operating facility, any field work at the site must be conducted following safety and security measures. Therefore, these safety and security measures may limit the nature or extent of activities that could be conducted during a site survey.

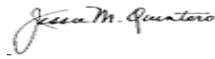
Additionally, to facilitate planning and timely execution of the project, the NRC staff has enclosed a proposed project schedule for the Tribe's review. The proposed schedule contains milestones and target completion dates and considers the weather and the Oglala Sioux Tribe's limited availability in July 2021 due to Sundance ceremonies. The NRC staff would like to understand if the Tribe can generally support the enclosed project schedule. If there are specific dates in the proposed schedule that should be avoided, please identify these.

The NRC staff looks forward to continuing our discussions about the identification efforts (including input on the elements proposed above and any additional activities recommended by the Tribe) at the next meeting, which is currently proposed for the week of March 15. In addition, the NRC staff requests that the Tribe provide input in writing on the proposed elements described above, any additional elements the Tribe recommends, and the proposed project schedule by April 2, 2021.

In accordance with section 2.390 of Title 10 of the *Code of Federal Regulations*, 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 website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or concerns, please contact Ms. Jean Trefethen or Ms. Diana Diaz-Toro of my staff. Ms. Trefethen can be reached at (301) 415-0867 or via e-mail at Jean.Trefethen@nrc.gov. Ms. Diaz-Toro can be reached at (301) 415-0930 or via e-mail at Diana.Diaz-Toro@nrc.gov.

Sincerely,



Signed by Quintero, Jessie
on 03/05/21

Jessie M. Quintero, Chief
Environmental Review Materials Branch
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-8973
License No. SUA-1534

Enclosure:
Proposed Project Schedule

cc: Thomas Brings, Tribal Historic
Preservation Officer, Oglala Sioux Tribe
Andrew Reid, Esq., Counsel for the Oglala Sioux Tribe

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DATED: March 5, 2021

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