


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of: POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)	
	ASLBP #: 10-898-02-MLA-BD01
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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

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Hearing Exhibit

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**SUMMARY OF TELECONFERENCE WITH THE
OGLALA SIOUX TRIBE REGARDING THE
DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT**

JANUARY 31, 2017

Meeting Participants and Affiliation:

Trina Lone Hill, Tribal Historic Preservation Officer, Oglala Sioux Tribe
Jeff Parsons, Counsel, Oglala Sioux Tribe
Travis Stills, Counsel, Oglala Sioux Tribe
Kellee Jamerson, Project Manager, U.S. Nuclear Regulatory Commission
Diana Diaz-Toro, Project Manager, U.S. Nuclear Regulatory Commission
Cinthya I. Román, Environmental Review Branch Chief, U.S. Nuclear Regulatory Commission
Emily Monteith, Attorney, U.S. Nuclear Regulatory Commission
David Cylkowski, Attorney, U.S. Nuclear Regulatory Commission
Sabrina Allen, Paralegal Specialist, U.S. Nuclear Regulatory Commission

Summary:

The U.S. Nuclear Regulatory Commission (NRC) staff met with representatives of the Oglala Sioux Tribe on January 31, 2017, via teleconference. The purpose of the meeting was to (1) continue consultation and exchange views regarding the methodology to identify and survey cultural resources at the Dewey-Burdock in situ uranium recovery (ISR) project site, (2) discuss the Tribe's concerns with the Dewey-Burdock Programmatic Agreement, and (3) discuss the role of other Tribes in the survey.

The NRC staff expressed its commitment to working with the Oglala Sioux Tribe to conduct a tribal survey in the near future. The NRC staff presented its preliminary tribal survey approach, which would consist of the following parameters:

- Open site survey of the Dewey-Burdock license area
- Opportunity to conduct the survey as early as April-May 2017 timeframe
- Per diem and mileage reimbursement for up to three Tribal representatives
- An honorarium of \$10,000

The NRC staff stated that the open site approach provides the flexibility of conducting a tribal survey using any survey methodology that the Tribe finds acceptable to identify cultural sites of importance to them. The Oglala Sioux Tribe expressed its disappointment with this proposal and noted that it was the same proposal offered to Tribes and rejected by the Oglala Sioux Tribe during the NRC's licensing review of the Dewey-Burdock ISR Project.

The Oglala Sioux Tribe expressed its commitment to work with the NRC and its desire to reach an agreement on a survey of the license area that identifies the Oglala Sioux and other Tribes' cultural resources and traditional cultural properties impacted by the Dewey-Burdock project. The Oglala Sioux Tribe expressed its preference to develop a survey methodology similar in nature to the Makoche Wowapi survey proposal that was submitted to the NRC in September 2012. The Oglala Sioux Tribe stated its opinion that NRC staff never provided input on the methodology set out in the Makoche Wowapi proposal, which the Oglala Sioux Tribe proposed should serve as the basis for future discussions of a methodologically sound survey. The Oglala Sioux Tribe also stated its desire to include other interested Tribes in the development of the survey approach and recommended that those Tribes participate in conducting the tribal survey.

In addition, the Oglala Sioux Tribe stated that the Programmatic Agreement contemplates that a survey would need to be conducted for the transmission line corridor area. The Tribe asked whether the licensee, Powertech, could better define the transmission line route and recommended that such routes be included as part of the tribal survey. The NRC staff also expressed interest in receiving information about the survey methodology/approach, number of tribal representatives to participate, cost/reimbursement, and timeframe. The Oglala Sioux Tribe committed to provide the NRC staff with information about a tribal survey approach by mid-March 2017 to aid the discussion and establishment of a survey. The NRC staff and the Tribe agreed to hold a teleconference tentatively scheduled for the beginning of April 2017 to continue consultation on a cultural resources survey.

The NRC staff asked the Tribe whether it would be willing to share information about known cultural and historic resources that may be impacted by the Dewey-Burdock project. The Tribe discussed the significance of the Black Hills to the Tribe's history and culture. The Tribe expressed its willingness to share historical information about the significance of the Black Hills region with the NRC staff.

During the teleconference, the Oglala Sioux Tribe also shared its concerns regarding the Programmatic Agreement. The Tribe expressed concerns focused on how some information was presented and characterized in the Programmatic Agreement; the Tribe's opinion that Powertech is responsible for identification of cultural resources and historic properties, assessment of adverse effects and identification of mitigation measures; and the role of the Oglala Sioux Tribe in the Programmatic Agreement. The Tribe committed to providing the NRC staff with a more detailed list of its concerns with the Programmatic Agreement.