NRC-038-E
Submitted: June 20, 2014

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

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
Docket #: 04009075
Exhibit #: NRC-038-E-00-BD01
Identified: 8/19/2014
Admitted: 8/19/2014
Withdrawn:
Rejected:
Stricken:
Other:

Title: Informal Information-Gathering Meeting Pertaining to Dewey-Burdock, Crow Butte North Trend, & Crow Butte License Renewal, In-Situ Uranium Recovery Projects

Docket Number: (n/a)

Location: Pine Ridge, South Dakota

Date: Wednesday, June 8, 2011

Work Order No.: NRC-904 Pages 1-195

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 INFORMAL INFORMATION-GATHERING

5 MEETING PERTAINING TO DEWEY-BURDOCK,

6 CROW BUTTE NORTH TREND, & CROW BUTTE

7 LICENSE RENEWAL, IN-SITU URANIUM

8 RECOVERY PROJECTS

9 + + + + +

10 MEETING

11 + + + + +

12 WEDNESDAY,

13 JUNE 8, 2011

14 + + + + +

15 The meeting was convened in the conference

16 room of the Prairie Wind Hotel & Restaurant, Highway

17 18 North, Pine Ridge, SD, at 10:00 a.m., Kevin Hsueh,

18 Moderator, presiding.

19 PRESENT:

20 PAULA ANTOINE

21 MARIAN ATKINS

22 RODNEY BAILEY

23 DOCTOR BEADS

24 GERALD BIG CROW

25 JACKIE BIG CROW

1 ROBERT BIG PALM
2 SARA BUCKMAN
3 MICHAEL CATCHES ENEMY
4 TERRY CLOUTHIER
5 KATHRYN CONVERSE
6 GREG FESKO
7 BRYCE IN THE WOODS
8 KATHY JANIS
9 HANNAN LAGARRY
10 WILMER MESTETH
11 PAIGE OLSON
12 DON RAGONA
13 ANDREW RED CLOUD
14 OLIVER RED CLOUD
15 LANCE ROM
16 EDWARD STAM
17 STEVE VANCE
18 JAMES WESTON
19 SCOTT WESTON
20 DEBRA WHITE PLUM
21 JOYCE WHITING
22 JIM WHITTED
23 DENNIS YELLOW THUNDER
24 MARTIN YOUNG BUCK BER YOUNG DOG
25

1 STAFF PRESENT:

2 KEVIN HSUEH, Moderator, FSME

3 ANNE BROPHY, Contractor

4 MIKE CLARK, OGC

5 POLLY CLARK, CNWRA

6 NATHAN GOODMAN

7 KELLEE JAMERSON, FSME

8 PATTY JEHLE, OGC

9 BRETT KLUKAN, OGF

10 JIM PRIKRYL, CNWRA

11 MICHELLE RYAN, FSME

12 BILL VON TILL, FSME

13 HAIMANOT YILMA, FSME

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 (9:58 a.m.)

3 MODERATOR HSUEH: Good morning. My name
4 is Kevin Hsueh. I'm the Chief of the Environmental
5 Review Branch with NRC. I want to welcome you to
6 participate in Section 106 process. We had three-day
7 activities here, and we have scientists from the
8 technical review on site and today will be
9 Information-Gathering.

10 I'd like to welcome each and every one of
11 you here. We would like to start with a prayer
12 session, so I'm going to turn it over to Mr. Mesteth.

13 (Prayer in native language.)

14 MODERATOR HSUEH: Thank you, Mr. Mesteth.
15 Our next item is for Ms. Whiting to give us Words of
16 Encouragement.

17 MS. WHITING: Good morning. I'm just very
18 thankful for our meeting here today. I just want to -
19 - I'm very thankful to our relatives from the Oceti
20 Sakohowin who are here to help support our efforts as
21 Lakota Nation.

22 Today I just want to encourage all of us
23 to have an open mind. We, as the Oglala Lakota people
24 and from the Civil Council have a lot of major
25 concerns regarding the Crow Butte, and all the other

1 uranium mines, the permits, the permitting process.
2 And this is a start of the consultation process. And
3 I'm glad that you've called us to the table to be --
4 start from the beginning so that we can continue to
5 have a good working relationship. Those are my Words
6 of Encouragement.
7 (Native language.)
8 MODERATOR HSUEH: Thank you, Ms. Whiting.
9 We have some microphones over there, so we will try
10 to figure it out. But in the meantime, I will
11 continue. I will try to speak louder so everyone can
12 hear from me. So, if you don't hear from me, just let
13 me know so I can try to increase my voice.
14 The next item is for Mr. Michael Catches
15 Enemy. He's the Master of Ceremonies, say a few
16 words.
17 MR. CATCHES ENEMY: (Native language.) I
18 thank all of you for coming here, and I greet all of
19 you with a good handshake, and a good heart. My name
20 is Michael Catches Enemy. I'm the Natural Resource
21 Director and Tribal Historic Preservation Office
22 Director. And I welcome all of you this morning to be
23 here. I welcome our Council representatives, Scott
24 Weston, Kathy Janis, our Fifth Members Office
25 representative, Jackie Big Crow, the other tribal

1 representatives from Flandreau, Cheyenne River,
2 Standing Rock, Sisseton-Wahpeton, and anybody else I
3 may have forgotten.
4 I'm glad that most of my staff is here.
5 We have also our archeologist, Lance Rom. My staff
6 consists of, so everybody else knows, Sara Buckman,
7 she's our Outreach Coordinator, our tribal attorney,
8 Don Ragona for the Oglala Sioux Tribe, Lance Rom,
9 Hannan LaGarry. He's with Oglala Lakota College of
10 Math and Science. He's our tribal geologist-
11 paleontologist. We have Kathryn Converse, who is our
12 hydrologist. Dennis Yellow Thunder, who is our
13 natural resource technician, and I'll say good morning
14 to the rest of you.
15 Hopefully, we'll have other people here.
16 Maybe they'll be voicing concerns. There's a lot to
17 talk about in these next hours that we have for today,
18 at least, to talk about this. And as Joyce said, this
19 is the beginning, because we're talking about two
20 different mining operations here. And I really hope
21 that we can try to get the points across on having
22 some meaningful dialogue as part of this consultation
23 process to allow not only tribal members, but tribal
24 representatives to speak their concerns. And,
25 hopefully, these concerns can go to another level

1 where there's cooperation or collaboration on some of
2 these aspects that are important to tribes.
3 I understand that some of the Nuclear
4 Regulatory Commission hearings that were held, I
5 wasn't present at a lot of these, but two of the
6 newest things that the tribes can be a part of, as far
7 as I understand, is either following the NEPA, the
8 National Environmental Policy Act guidelines to become
9 a cooperating agency, or through the National Historic
10 Preservation Act under this Section 106 process. So,
11 the Section 106 process that we're engaging in today,
12 we're focusing on cultural resources, historic
13 preservation items.
14 But, of course, there's still the health
15 concerns that come up, the environmental concerns. And
16 I don't think that we should be restricted from
17 speaking on those parts, as well.
18 And I'm just really glad the Nuclear
19 Regulatory Commission took it upon themselves to go
20 ahead and initiate this process, because we wrote some
21 letters back in 2010 and earlier this year to set up
22 this meeting. It took some coordination, and putting
23 names to faces now, so I'm glad to meet Nathan and
24 Haimanot.
25 We had sent some emails, and then after we

1 had tried to talk about a draft agenda, the
2 invitations were sent out to all the tribes. And, as
3 you can see, there's a long list of tribes that were
4 invited by the Nuclear Regulatory Commission to be
5 here, and I'm just extremely thankful that we do have
6 the tribes that are here present with us.
7 There's a lot more to be said, but I think
8 what Kevin and I have discussed is to try to have
9 more of the input and less presentations where we can
10 get people's concerns, use this time efficiently to
11 obtain those concerns and issues that people want to
12 bring forth. So, if we want, we can go around and
13 start out with the introductions from everybody, and
14 then at that time I think we can go ahead and discuss
15 our opening remarks. So, however you want to start,
16 if you want to go around this way, make our way
17 around.
18 MODERATOR HSUEH: Thank you. I will
19 suggest that we start from the Council from Oglala
20 Sioux, start from there, if it's okay with you.
21 MR. CATCHES ENEMY: That's fine.
22 MODERATOR HSUEH: All right. Thank you.
23 MS. JANIS: Good morning, everyone. My
24 name is Kathy Janis. I am from the Wounded Knee
25 District. I am a Council Representative for the

1 Oglala Sioux Tribe, and I was really excited to be
2 invited by the staff to attend this meeting so I can,
3 like Mike, put faces to the names that we hear.
4 I had been on the Council prior to this
5 term, and we did work on some of this, but have to say
6 I wasn't really involved. So, again, I thank
7 everybody for coming, and welcome. Thank you.
8 MR. WESTON: Good morning, everyone. My
9 name is Scott Weston. I am one of the Council
10 Representatives for the Oglala Sioux Tribe in the
11 Porcupine District.
12 I come here today with an open mind, but
13 with questions. And like Mr. Catches Enemy, we have
14 issues that we need clarified, we need representation,
15 we need dialogue. We need to be able to understand
16 what's going on so that we can convey this to our
17 people. And in doing so, I think we can move forward.
18 But there are a lot of issues that we talk about that
19 never gets -- we talk about, but we never mention our
20 treaty.
21 We have treaties with the United States
22 Government that need to be talked about, that need to
23 be discussed. So, that's where I come from today. And
24 I also want to say good morning to my relatives from
25 the other tribes from our Great Plains. Good morning

1 to you all, and I just want to say thank you and
2 welcome to everybody.
3 MS. BIG CROW: Good morning. My name is
4 Jackie Big Crow. (Native language.) Good morning. And
5 I am assistant to the Oglala Sioux Tribe, and we're a
6 liaison between the Council and the President's
7 Office, President, Vice-President, Secretary-
8 Treasurer. Thank you.
9 MS. JAMERSON: Good morning. I'm Kellee
10 Jamerson with the NRC.
11 MR. KLUKAN: Good morning. My name is
12 Brett Klukan. I'm an attorney with the United States
13 Nuclear Regulatory Commission.
14 MR. VON TILL: Good morning and welcome.
15 My name is Bill Von Till. I'm the Chief of the Uranium
16 Recovery Branch that oversees the operations of the
17 existing facilities that we have, the operation of
18 facilities, and all the licensing that occurs with the
19 new licenses that we have. So, I'm glad that
20 everybody showed up. We want to hear your concerns
21 today, that's the main objective. So, I'm also a
22 geologist, by the way.
23 MR. FESKO: Good morning. I'm Greg Fesko
24 with BLM, I'm a geologist and Project Manager.
25 MS. ATKINS: I'm Marian Atkins, Bureau of

1 Land Management here in South Dakota, and I'm the
2 Field Manager, and we have a few acres involved in the
3 Dewey-Burdock Project. And hear what all the concerns
4 are. So, thanks for coming, and I'm going to find out
5 what's going on.
6 MR. CLARK: Good morning. I'm Mike Clark.
7 I'm an attorney with the NRC's Office of General
8 Counsel. I'm advising the Staff in the review of the
9 Dewey-Burdock application.
10 MS. JEHLE: Hello, I'm Patty Jehle. I'm
11 also an attorney in the Office of the General Counsel
12 at NRC, and I'm working on the Dewey-Burdock
13 licensing. And I would like to thank all of the
14 tribes for welcoming me and all of the NRC to this
15 meeting. Thank you.
16 MODERATOR HSUEH: Thank you, Patty.
17 MR. BIG PALM: I'm Robert Big Palm. I'm
18 on the Advisory Council.
19 MR. BAILEY: My name is Rodney Bailey.
20 MODERATOR HSUEH: Okay. All right.
21 MS. BEADS: I'm Doctor Beads.
22 MODERATOR HSUEH: All right. Because I
23 think -- can I maybe have a five-minute break, because
24 I probably need to discuss with our -- All right.
25 So, let's move on to the next introduction.

1 MR. WHITTED: My name is Jim Whitted. I'm
2 from the Sisseton-Wahpeton Oyate Tribal Historic
3 Preservation Office, and I'm happy to be here
4 representing our great Sioux nation.
5 MR. IN THE WOODS: (Native language.) I'm
6 Bryce In The Woods. I'm a Tribal Council
7 Representative for the Cheyenne River Sioux Tribe, and
8 welcome the NRC to our great nation. Thank you.
9 MODERATOR HSUEH: Thank you.
10 MR. VANCE: (Native language.) I'm Steve
11 Vance. I'm Tribal Historic Preservation Officer for
12 Cheyenne River Sioux Tribe.
13 MODERATOR HSUEH: Thank you.
14 MR. WESTON: James Weston, Cheyenne River
15 Sioux Tribe.
16 MODERATOR HSUEH: Thank you.
17 MR. RED CLOUD: Hello, my name is Chief
18 Red Cloud. I'm here, and I take care of the treaty
19 rights. And I want to object to this hearing. So, I
20 want to know what's going on now today.
21 MODERATOR HSUEH: All right. Then I will
22 go to this row. Introduce yourself.
23 MS. OLSON: Paige Olson. I'm the Review
24 Compliance Coordinator for the South Dakota State
25 Historical Society, and thanks for having me here.

1 MODERATOR HSUEH: Thank you.

2 MR. CLOUTHIER: Terry Clouthier, Sioux
3 Tribe, Tribal Archeologist.

4 MODERATOR HSUEH: Thank you.

5 MR. YELLOW THUNDER: I'm Dennis Yellow
6 Thunder, a Natural Resources Technician for the Oglala
7 Sioux Tribe. And I'm just here today, I want to
8 welcome the NRC today, and all the other tribes that
9 are here. (Native language.)

10 MODERATOR HSUEH: Thank you.

11 MS. CONVERSE: Good morning, everyone.
12 I'm Kat Converse, and I'm a hydrologist with natural
13 resources, the Oglala Sioux Tribe.

14 MODERATOR HSUEH: Thank you.

15 MR. LAGARRY: Good morning. I'm Hannan
16 LaGarry. I'm a Professor of Geology and the Chair of
17 the Department of Math, Science and Technology at
18 Oglala Lakota College. Prior to coming to OLC a few
19 years ago, I was with the Nebraska Geological Survey
20 that mapped the archeological, paleontological, and
21 geological resources in western Nebraska.

22 MODERATOR HSUEH: Thank you.

23 MR. ROM: I'm Lance Rom. I'm a consulting
24 archeologist with the Oglala Sioux Tribal Historic
25 Preservation Office.

1 MS. WHITING: Joyce Whiting, project
2 officer for the Oglala Sioux Tribal Historic
3 Preservation Office.
4 MR. MESTETH: (Native language.) I'm
5 Wilmer Mesteth in the Tribal Historic Preservation
6 Office. And I'm also a spiritual leader, and I'm an
7 instructor at the Oglala Lakota College. And I'm a
8 leader in my area, and I'm also from two fields on
9 this reservation. (Native language.) Those are my
10 fields from my mother and my father. Good to meet you
11 all, and I hope we have some really positive and
12 interesting discussions on yesterday, our trip over
13 there to Crow Butte, and tomorrow we're going to be
14 going over to Dewey-Burdock.
15 And yesterday we heard the State of
16 Nebraska historical information, but that's the
17 Nebraska Historical Society. We haven't heard from
18 our point of view, that land over there. That's my
19 uncle Larry's great-grandfather, Chief Red Cloud. And
20 my great-grandfather's uncle, Chief Red Cloud. And we
21 have a history that's passed down from generation to
22 generation. And I was walking around that land
23 looking over there yesterday, you haven't heard that
24 part in these reports or anything. You haven't heard
25 on behalf of our tribe.

1 We have a great history there, from there
2 all the way -- talking about our aboriginal territory,
3 extends way down to the -- they call it (Native
4 language.) That's Smoky Hill River down to the south.
5 The White Mountain, Colorado, Wind River Valley, Big
6 Horn Mountain, Tongue River all the way up to Canada.
7 That's our aboriginal territory, and back eastward,
8 Iowa, Illinois, Wisconsin, and up to the north above
9 the Great Lakes. That's aboriginal territory, the
10 Dakota, Lakota, Nakota people. And today we want to
11 talk about our land, our historical lands and what
12 took place on our lands. And why we don't want these
13 nuclear companies coming in, especially these ones out
14 of the country coming here onto our historical lands.
15 We have our graves of our ancestors here, our
16 historical sites where things took place, and we have
17 resources.
18 They were talking -- we were listening
19 over there, I was observant about that, and they were
20 talking about the Crawford people. Well, that company
21 is entertaining the Crawford people. They never came
22 over here on this side and talked to our people. And
23 they never asked us our views. And that's what was
24 missing there yesterday. They never consulted with
25 our tribe, and that's what I want to talk about today.

1 So, it's our water under here that's being
2 affected by the mining. If you look at the health of
3 our people, you need to research into the health
4 situation here on Pine Ridge Reservation, and symptoms
5 of diabetes, and pancreatic cancers that are springing
6 up. We never had them before. Why is it?
7 The only thing that could be the main
8 factor is the water, contaminated. Where? Where is
9 that contamination coming from? It didn't come from
10 our people and what we're doing with our land. So,
11 that's what I want to talk about, because we have to
12 speak in behalf of our land and our people here, and
13 our livelihood.
14 Like my uncle was talking, we have a
15 treaty, and there's treaty stipulations in there. We
16 have treaty rights, our people, from this government,
17 the United States of America, and our people. And
18 those take precedence above anything else, nation to
19 nation. So, speaking in behalf of our nation, and it
20 would be good if we had a government official here to
21 oversee this meeting, because it's nation to nation.
22 So, I just want to mention that.
23 And I know my relatives come from up
24 north. They have to be heard, too, because as a whole
25 collectively, as a people, we're one people. We're

1 not divided. So, today we're going to speak with one
2 voice so that you can hear. So, I'm going to say
3 about that much, and talk later.
4 MR. RAGONA: Good morning. My name is Don
5 Ragona, I'm the Oglala Sioux Tribe Tribal Attorney.
6 And, again, I want to join with everyone here thanking
7 you for coming down. Thank you for recognizing this
8 as a true government-to-government consultation, and
9 that we are a nation. And that you're meeting us on
10 common ground. I appreciate that.
11 But as Wilmer was saying, we really need
12 to be very careful, and we need to be very concerned
13 about the kind of activities that you're proposing
14 happen, because we see what happens around the world.
15 We see what happens with various accidents with
16 uranium. We see what happens with -- even when
17 there's not accidents. And we cannot afford, whether
18 it's Pine Ridge, or Rosebud, or Flandreau, or any
19 other part of our nation, we cannot afford that to
20 happen, and so we're going to ask some questions.
21 We're going to demand to see certain documents.
22 We also have to be cognizant of our treaty
23 rights and making sure that whatever happens isn't in
24 violation of those treaties, because those treaties
25 are living and breathing documents. They're contracts

1 between one nation to another, and they've alive, and
2 they're still valid. So, we need to be careful with
3 that. And that's why we need to take time to review
4 documents, to review proposed activities before we can
5 come to an informed decision, and before we can make
6 recommendations.
7 So, I think we just need to make sure that
8 you all know where we're coming from. We are here to
9 listen, but we're also going to be asking questions.
10 And then we need to all talk amongst ourselves, as
11 well, both individually as tribes, and possibly
12 collectively to see what is going to be the best for
13 the people of South Dakota, because only in that way
14 can we come to some sort of an agreement that we can
15 all live with.
16 So, with that, again, thank you,
17 appreciate you all coming down. And, again, for
18 treating this as a true government-to-government
19 meeting.
20 MS. BUCKMAN: My name is Sara Buckman,
21 Outreach Coordinator for Natural Resources Regulatory
22 Agency for the Oglala Sioux Tribe.
23 MS. BROPHY: My name is Anne Brophy. I'm
24 with Sanford Cohen & Associates. We're a contractor
25 for the NRC helping to prepare the environmental

1 assessment of the Crow Butte II applications. I'm
2 particularly here to collect additional information
3 about historic resources.
4 MS. YILMA: Good morning. My name is
5 Haimanot Yilma. I am the Project Manager for the
6 proposed Dewey-Burdock project. I work at NRC. I'd
7 like to thank you for joining us today. As she
8 mentioned, we're here to collect information in these
9 early stages of our process.
10 MS. CLARK: My name is Polly Clark. I'm
11 working on review of the proposed Dewey-Burdock
12 project.
13 MR. PRIKRYL: Hello, my name is Jim
14 Prikryl, and I work with Southwest Research Institute
15 in San Antonio, Texas. And we're a contractor for the
16 NRC. And we're helping with development of the
17 Environmental Impact Statement for Dewey-Burdock.
18 MR. GOODMAN: Good morning. I'm Nathan
19 Goodman. I'm a biologist for the NRC, and I'm also
20 the Project Manager for the License Renewal and
21 proposed north expansion on the two Crow Butte
22 facilities that we saw yesterday on our site tour.
23 And I know it's been said before, but I
24 would just like to reiterate that I'm thankful to be
25 here on the reservation, and I'm honored to be here,

1 and happy to take any information and field any
2 questions that anybody may have. And I thank you all
3 very, very much for coming.
4 MS. RYAN: Good morning. My name is
5 Michelle Ryan. I'm an Inter-governmental Liaison
6 Project Manager at the Nuclear Regulatory Commission.
7 So, I don't work on specific projects, either on the
8 uranium recovery site or on the nuclear reactor side,
9 but we serve as Inter-governmental Liaisons who help
10 the more technical project managers with their
11 projects.
12 So, if you ever have general questions and
13 you don't have a contact for a specific site, you can
14 always come to our branch, the Inter-governmental
15 Liaison Branch. I have cards, we'll have contact
16 information for everyone at the end. But welcome.
17 We're here to listen, and we hope that we can share
18 information on both sides.
19 MODERATOR HSUEH: Thank you. Did I miss
20 anyone? Everybody has had opportunity to introduce
21 yourself?
22 All right. The next item that I'd like to
23 share with you, our original plan is this is a Section
24 106, NRC Section 106 process, and our original plan is
25 to invite people, and SHPO, and also related personnel

1 who were invited to come to this meeting. And this is
2 the government officials. And I just want to make
3 sure that all the tribes are comfortable, are okay
4 with this kind of setting, so I know that there are
5 several tribes here. First, Oglala Sioux, are you
6 okay? Okay. Standing Rock Sioux is okay? Okay with
7 you? All right. Okay. We also have Flandreau-
8 Santee. Is okay with this format? Okay. Good. I'd
9 also like to ask Sisseton-Wahpeton.
10 MR. WHITTED: Yes, it's okay with us.
11 MODERATOR HSUEH: Okay. So, it's okay with
12 you. Okay, good. Thank you. Standing Rock Sioux?
13 MR. CLOUTHIER: Yes, it's fine.
14 MODERATOR HSUEH: It's fine with you? All
15 right. Okay. So, all the tribes are okay with this
16 kind of format. All right. So, we will proceed like
17 that. Any comments or any concerns with that?
18 MR. KLUKAN: This is Brett Klukan. I'm
19 going to point out one thing. There are members of
20 the press here. We would ask that, it's general NRC
21 policy that questions that come from the press go to
22 our Office of Public Affairs, so you can speak with me
23 or one of the other attorneys who can point to a
24 representative from our Office of Public Affairs, if
25 you have any questions after this meeting. So, just

1 to let you know that the Office of Public Affairs.
2 Thanks.
3 MODERATOR HSUEH: Thank you. Any comment
4 or concern about this format? All right. It's good,
5 so we are going to proceed.
6 The next item, I would like to ask
7 Michelle Ryan from NRC, because we hand out a folder
8 of information, and I'd like to ask her to kind of go
9 through what's in that folder with you, so you are
10 aware of what's in that folder.
11 MS. RYAN: Thank you, Kevin. Also, just
12 if you can't hear us at one point or another, just
13 remind us with a hand to sort of speak up. We're
14 doing our best with a large facility, and we want to
15 make sure that everyone who is making comments and
16 sharing information is heard.
17 But in your folder you will find an
18 agenda, a three-day agenda. Obviously, yesterday we
19 toured the Crow Butte site, but we've got additional
20 information in here about participants, and about the
21 NRC presentation. The slides for NRC presentations
22 are also on the lefthand side of the folder. If you
23 don't have a folder, please raise your hand and I can
24 get one to you.
25 Also, you'll find three CDs on the right-

1 hand side. And I just want to go over what is
2 included in these. You'll find the General
3 Environmental Impact Statement for in-situ leach
4 uranium milling facilities. There's a list, so you
5 don't need to write this down too quickly. I know it's
6 a lot to take in. But this is a high-level generic
7 Impact Statement for uranium recovery in the area, and
8 includes South Dakota, Wyoming, Nebraska, and New
9 Mexico. And this was finalized in 2009, I believe
10 June of 2009.
11 The second thing you'll find is the
12 Environmental Review Guidance for licensing actions.
13 This is guidance to develop for uranium recovery
14 environmental reviews. And then, finally, you'll find
15 a CD labeled "Section 106 Process."
16 As you're all probably aware, the Advisory
17 Council on Historic Preservation provides a lot of
18 good information, both for federal agencies and for
19 tribal communities and tribal governments about the
20 106 consultation process. And what we've done is put
21 some of the significant documents on this CD so that
22 you don't just have to go to the link provided, but
23 you've already got it here.
24 So, this has the regulations 36 CFR, Code
25 of Federal Regulations, Part 800. And then this also

1 has guidance and a handbook from the ACHP, the
2 Advisory Council on Historic Preservation. So, we
3 find these to be really useful documents, and we
4 thought this is something that you might want to check
5 out already, if you have not.
6 Finally, you'll find an agenda for
7 tomorrow's visit. What is our time tomorrow, Kevin?
8 MODERATOR HSUEH: Leave here around 9:30.
9 MS. RYAN: Okay, so 9:00 prayer tomorrow
10 much like yesterday, and then, hopefully, we can all
11 get on the bus by 9:30 to head out to the site.
12 I'm going to hand it back over to Kevin at
13 this point. Kevin is going to go through the agenda,
14 just give some reminders about today's program.
15 Hopefully, we've all got our cell phones on silent or
16 vibrate. We do want to make sure that nothing
17 interferes with the comments, and we're all able to
18 hear. So, thank you again. Welcome. And with that,
19 I'll hand it back over to Kevin.
20 MODERATOR HSUEH: Thank you, Michelle.
21 The next item, I want to go through a few
22 ground rules for today's meeting. Michelle mentioned
23 about the cell phones, your cell phones, that's first.
24 And second, try to talk to time everybody has a
25 chance to be heard. And, also, please remember to

1 identify yourselves before you speak, because this
2 meeting is being recorded. And you can see our court
3 reporter is there to record this meeting.
4 If for some reason you do not want to be
5 recorded, let us know. I understand there's some
6 information you do not want to be recorded, just let
7 us know and then we will stop the recording process.
8 So just be aware of that, that we are recording. So,
9 please identify yourself before you speak.
10 Feel comfortable asking questions, or
11 asking any explanation, so we are here to listen to
12 you, and also try to help in any way we can to answer
13 your questions.
14 The next item I would like to do is to go
15 through the agenda with you. We thought we'd finish
16 the introductions, and during the introductions I
17 think that some member already offered opening
18 remarks.
19 The next is the NRC presentations. What I
20 would like to ask is to ask Mike to kind of
21 facilitate this part of the presentation, so Michael
22 is going to help me with this part of the
23 presentation. There are four NRC presentations. And
24 we tried to -- a lot of the presentations is in the
25 handout. We do not plan to go through each slide in

1 detail, because we want to save as much time as
2 possible to listen to your comments or your concerns.
3 So, we may skip some of the slides, or some of the
4 slides we just go through in very short period of
5 time. But if you have questions, feel free to just
6 let us know, and we will stop and answer your
7 questions, because we do not plan to spend a lot of
8 time on our presentations.
9 So, let's go next part. And after the
10 presentation, hopefully, then we will start our -- the
11 information gathering session. It's more formal
12 information gathering session. We will basically just
13 listen to your comments, concerns, and any information
14 that you would like to provide to us so that will be
15 most of the time that hopefully we would like to spend
16 for the rest of the day.
17 So, with that, I would like to turn it
18 over to Michael to facilitate NRC presentation. Any
19 questions so far? Any comments? All right. I will
20 turn it over to Michael.
21 MR. CATCHES ENEMY: Well, hello, again.
22 Michael Catches Enemy. We kind of -- Kevin and I just
23 briefly talked about this, and the reason that we were
24 asked to kind of take the lead is just because it's
25 hosted here on the Pine Ridge Reservation, being in

1 close proximity to both of these uranium mines.

2 After talking to us, a few of the other

3 Tribal Historic Preservation Officers, it seems like

4 we're all in concurrence on a lot of things, there's a

5 lot of similarities and whatnot, so I'm not presenting

6 here as part of the NRC. I wanted to make that clear.

7 We're just hosting, as Oglala Sioux Tribe we're here

8 hosting, but Kevin asked me if I could kind of take

9 the lead on introducing folks and get through these

10 presentations.

11 So, this first one, as part of the Section

12 106 we'll have Kevin, who is the Chief of the

13 Environmental Review Branch, Division of Waste

14 Management and Environmental Protection. He'll go

15 through his slides and his presentation. But like

16 Kevin said, if you have questions or concerns during

17 the presentation feel free to address those and bring

18 those forward. Kevin.

19 MODERATOR HSUEH: Thank you, Michael.

20 Again, my name is Kevin Hsueh. I`m with NRC. I will

21 talk about -- I'll just give you a summary about NRC,

22 who we are, what we do, and also give you a summary

23 about our current active Section 106 activities. And

24 after my talk, Bill von Till who is the Chief of

25 Uranium Recovery Licensing Branch, he's going to give

1 you information about uranium recovery regulations and
2 operations.
3 After that, Nate Goodman, he's the Project
4 Manager for the chemical Crow Butte projects, and so
5 he's going to talk about the project. And Haimanot
6 Yilma is the Project Manager for the site, so she's
7 going to talk about they are doing with the project.
8 Both Project Managers are from the Environmental
9 Review Branch, so they are the Environmental Project
10 Managers.
11 The U.S. Nuclear Regulatory Commission was
12 created in 1974 by Congress. We are an independent
13 regulatory agency. NRC is headed by five
14 commissioners, and all nominated by the President of
15 the United States and confirmed by the Senate.
16 We have about 4,000 employees, and our
17 headquarters is located in Rockville, Maryland.
18 Compare with EPA, DOE, we are relatively small agency.
19 Our mission is to protect the public health and
20 safety, promote a common defense, and security, and
21 protect the environment.
22 We regulate nuclear reactors, nuclear
23 materials, including uranium recovery, nuclear waste,
24 nuclear security. What we don't do, we don't regulate
25 nuclear weapons, military reactors, or space vehicle

1 reactors. We don't clean up contaminated sites.
2 Other federal agencies like EPA, DOE, and others
3 manage that responsibility. We don't clean up the
4 contaminated sites.
5 We are neutral on nuclear power, so we
6 don't argue about nuclear power. We do not build or
7 operate uranium recovery facilities, or other nuclear
8 facilities, nor do we manage like BLM, we do not. We
9 are the regulatory agency, we review license
10 applications and then we issue a license, so we don't
11 manage the land.
12 We have a lot of intergovernmental
13 relations with other governments and governmental
14 organizations including DOE, EPA, Tribal Governments,
15 IAEA, state governments.
16 Our review of uranium recovery
17 applications is comprised of two review, one is the
18 safety review, and then the other one is environmental
19 review. And those reviews are conducted in parallel.
20 Safety review is to evaluate the proposed facility
21 design, operational procedures, and Radiation
22 Protection Program to insure that the proposed action
23 can be accomplished in accordance with our
24 regulations. And Bill von Till is going to provide
25 more information about the safety review.

1 In terms of environmental review, it's
2 conducted in accordance with our regulations, 10 CFR
3 Part 51 which implements the National Environmental
4 Policy Act, or NEPA. NEPA requires federal agencies
5 to consider environmental impacts before making a
6 decision. The purpose of the NEPA is to inform the
7 decision makers and the public of the proposed action,
8 reasonable alternatives, and their environmental
9 impacts.
10 In addition to NEPA, we also -- the
11 National Historic Preservation Act also requires
12 federal agencies to take into account the effects of
13 our licensing actions on historic properties. There
14 are four steps. Step one is to initiate a Section 106
15 process. This has to do with setting consultation
16 measures, identify appropriate SHPO/THPO to consult
17 during the process. The licensing action could
18 affect the historic properties, we need to consult
19 with consulting parties, and to proceed to identify
20 historic properties.
21 If historical properties are present, then
22 we need to consult with consulting parties to proceed
23 to assess possible adverse effects. If there is an
24 adverse effect, we need to consult with consulting
25 parties to find ways to avoid, minimize, or mitigate

1 adverse effects.

2 During the consultation, as a result of
3 this consultation what usually result, will end up
4 with an MOA, a Memorandum of Agreement with
5 applicants, SHPO, THPO, and NRC, and maybe BLM if the
6 facility is located -- if the proposed facility is
7 located in the BLM land, then there may be BLM. And
8 the MOA outlines three major factors to avoid,
9 minimize, or mitigate the adverse effects.

10 We have five active ongoing Section 106
11 projects. One is the Uranerz Nichols Ranch Project in
12 Wyoming. The second one, two projects for build and
13 license renewal, and Crow Butte North Trend that we
14 visited yesterday, that's chemical in Nebraska. And
15 then we also have Powertech the site that we are going
16 to visit tomorrow in South Dakota. And that's what is
17 the Strata Energy-Ross in Wyoming, so these are the
18 five active Section 106 projects that we currently
19 have.

20 We also follow the 36 CFR that encourage
21 early coordination among Section 106 -- between
22 Section 106 and the NEPA regarding the effects of
23 historic properties. Our NEPA documents will have
24 several sections to address impact on historic and
25 cultural resources. So, our NEPA documents will be

1 used to fulfill both NHPA and NEPA.

2 This review about the NHPA and the NEPA.
3 So, NHPA has four steps, and the NEPA we will have a
4 draft and a final document. And our goal is that we
5 are going to have MOA to resolve the adverse effects,
6 our goal is to have the MOA in place before we issue
7 the final documents.

8 Here are particular information. The
9 first one is our website web page at NRC.gov. And the
10 second link will give you all the uranium recovery-
11 related information. Those are very helpful websites
12 if you want to get additional information.

13 Thank you. Any questions, or comments?

14 MR. WESTON: Define adverse effects for me
15 within 10 CFR Part 50.

16 MODERATOR HSUEH: Adverse effects, for
17 example we have one project and is very close to the
18 Pumpkin Butte in Wyoming. And the adverse effect
19 there is the adverse effect because the site -- the
20 facility there, the future of the Pumpkin Butte has
21 some visual impact as a result of the project. So,
22 that would be one example that we use. And we have
23 memorandums -- we are planning on working our a
24 Memorandum of Agreement because of the effort we tried
25 to -- in the Memorandum of Agreement we try to address

1 or mitigate or minimize a visual impact. It has many
2 different kind of situations. I just wanted to give
3 you one example that could be a visual impact, because
4 the facility that may have some.
5 MR. WESTON: So, in your mitigation
6 process, when you start that process, is there the
7 thought process that say something does happen, say
8 something does get away, are we included in that
9 process?
10 MODERATOR HSUEH: Yes. If there's adverse
11 effect and that's -- as I mentioned is that Memorandum
12 of Agreement. The Memorandum of Agreement will be
13 signed for example, on the tribal lands. There will
14 be five signatories, will include tribes, so -- and
15 then also NRC would sign that MOA, so it's an
16 agreement there.
17 MR. WESTON: Okay.
18 MODERATOR HSUEH: Okay.
19 MR. KLUKAN: Let me make one clarifying
20 point. You mentioned 10 CFR Part 51, which is one of
21 the volumes in the NRC's regulations. That is how we
22 implement the National Environmental Policy, in which
23 we look at significant or minor impacts.
24 The terminology "adverse effect" comes
25 into play under 30 CFR, Code of Federal Regulations,

1 under the National Historic Preservation Act. So, we
2 don't use that particular language of NEPA. And just
3 to clarify, Part 51 is regarding NEPA, not necessarily
4 National Historic Preservation Act applies under
5 Section 106, just to clarify.
6 MODERATOR HSUEH: Thank you, Brett.
7 MR. CATCHES ENEMY: Other comments or
8 questions? Okay. We'll keep this rolling. Thank
9 you, Kevin.
10 MODERATOR HSUEH: Thank you, Mike.
11 MR. CATCHES ENEMY: Next up on the agenda
12 is William Von Till. He's the Chief of the Uranium
13 Recovery Licensing Branch, Division of Waste
14 Management, Environmental Section.
15 MR. VON TILL: Thank you. I'm going to go
16 through these slides kind of quick so we can get to
17 hear your comments. I want to make one clarification.
18 The NRC is not for uranium, and it's not
19 against uranium. We're neutral. Our job is to make
20 sure that these operations are safe, and protective of
21 public health and the environment. That's the NRC's
22 job. So, I just wanted to make that clear.
23 I'm going to go through just a little bit
24 of the regulations that we have that we implement our
25 authority over these sites. What these facilities are

1 all about. Luckily, we had a site visit yesterday
2 with most of you to see the Crow Butte facility, an
3 operating facility we have in Crawford, Nebraska.
4 The process itself, our emphasis on safety
5 at these facilities, and also our emphasis -- in-situ
6 recovery is mainly about groundwater. It's different
7 from conventional uranium mining and milling, and the
8 emphasis that we have on safety is groundwater and
9 protection of the resources. And, also, environmental
10 monitoring.
11 Regulations in a nutshell for the NRC is
12 under the Atomic Energy Act. Congress also enacted
13 what's called the Uranium Mill Tailings Radiation
14 Control Act of 1978 because of the massive tailing
15 sites at conventional uranium mining and milling
16 facilities. We also followed Part 51 in the National
17 Environmental Policy Act.
18 What's regulated? What does the NRC
19 regulate, and what do we not regulate? We regulate
20 the milling of uranium. We don't regulate the mining.
21 A lot of people call these in-situ recovery
22 facilities mines. We don't really call them mines, we
23 call them uranium recovery facilities.
24 We don't regulate conventional mining. We
25 don't regulate the exploration of sites in mining

1 sites. What we do regulate is conventional heap leach
2 and in-situ recovery uranium recovery operations like
3 the one you saw in Crawford, Nebraska.
4 I'm just going to go through this kind of
5 quickly here. This part I believe is in your
6 handouts. Where are these facilities located? What
7 kind of experience do we have on operating facilities?
8 The Crow Butte facility we saw yesterday has been in
9 operation for about 20 years, and we've been
10 regulating that facility. We also have a number of
11 other facilities that we regulate that are operating
12 right now. We have two in Wyoming, one of them is
13 Smith Ranch, I mean, Cameco's other facility. It's
14 called the Smith Ranch Facility, kind of near Douglas,
15 Wyoming at the Power River basin of Wyoming. That's a
16 large facility. That's the largest facility of its
17 kind in the United States, and they produce about two
18 million pounds of uranium per year.
19 Also, we just allowed the restart of a
20 facility that used to be called the Cogema Iragary and
21 Christensen Ranch Facility. It's now owned by Uranium
22 One, and it's located in the Powder River basin, as
23 well. And they just started their operations back up
24 in about January.
25 There is the Crow Butte facility, which is

1 an operating facility. The Dewey-Burdock project is
2 just south of the Black Hills National Forest. And we
3 have a number of other operations here. These are
4 operating. These are a standby proposed facility, so
5 it's a good map just to illustrate where some of these
6 facilities are located.
7 What's the process all about, the in-situ
8 recovery process? That's what I want to kind of key
9 on, because that's the type of facilities that we're
10 dealing with, what you're concerned with, with the
11 Crawford, Nebraska facility, and the Dewey-Burdock
12 Project.
13 MR. CATCHES ENEMY: Was Dewey-Burdock on
14 that map?
15 MR. VON TILL: It's not on that map.
16 MR. CATCHES ENEMY: And is not the case in
17 process?
18 MR. VON TILL: What's that?
19 MR. CATCHES ENEMY: It's not on --
20 MR. VON TILL: It's just -- we got this
21 map, and it wasn't updated.
22 MR. CATCHES ENEMY: Oh.
23 MR. VON TILL: So, we're going to update
24 this map. This map actually comes from another
25 source, but it's located right here. And we'll update

1 that, so that's located. Thanks, Mike.

2 PARTICIPANT: Is Dewey-Burdock in Wyoming?

3 MR. VON TILL: No, Dewey-Burdock is just

4 in South Dakota. It's up against the border as you'll

5 see tomorrow, but it does not go into Wyoming.

6 What do these facilities look like? Most

7 of you who were on the tour yesterday, you got to see

8 what these facilities look like. Some of you did

9 not. This is a typical example of the mill processing

10 building, and this is the administrative offices. And

11 that's what it looks like, basically. This is the

12 Smith Ranch Facility in Wyoming, very similar to the

13 facility you saw yesterday.

14 Here's the in-situ recovery process in a

15 nutshell. What they're doing is they're trying to

16 extract the uranium out of the sand, which is -- it's

17 in the sandstones in these bold front deposits, which

18 I'll get into in a second. They inject water

19 fortified with carbon dioxide and oxygen to free up

20 the uranium from the sand particles. They have

21 injection wells, and recovery wells. Once the

22 recovery fluid comes out of the ground, they run it

23 through resins, and then run it through the process on

24 to make yellowcake, which is the end product here.

25 The one thing I want to emphasize with

1 this picture is the extensive monitoring that we
2 require as part of these operations to make sure that
3 the recovery fluids in the aquifer are contained and
4 do not damage the resources in the surrounding area.
5 We have monitoring wells in the same aquifer where the
6 recovery is going on, and we have monitoring wells
7 above, sometimes below these confining layers to make
8 sure that it's a safe operation.
9 Every -- not all of the ore bodies out
10 there are amenable to this process. In order to
11 conduct this kind of process, you have to have water
12 within the aquifer. You have to have permeability, or
13 water needs to move through the sandstone so that they
14 can conduct the operations. And you need to have
15 sufficient confining layers to trap in the recovery
16 area so that you do not contaminate the waters above.
17 Here's another picture of this operation.
18 Again, this is the uranium right here in the
19 sandstones. These are the confining units, and here
20 is the monitoring wells to protect the water resources
21 around the facility.
22 This is what the uranium looks like in
23 the sandstone that they're trying to extract out of
24 the ground. This is what it looks like in nature.
25 This is a person's rock hammer, the uranium is right

1 here. It's in a roll front deposit like a C.

2 This is a typical well field of what you

3 saw yesterday, which consists of well patterns. We

4 have injector wells here, and pumping wells here all

5 through this well field, and there's also monitoring

6 wells. The key thing I want to point out here is the

7 extensive monitoring for these operations to make sure

8 that the water resources are protected. We have a

9 monitoring well ring surveilling the well field, and

10 we also have monitoring wells above and below like in

11 the picture here. Monitoring wells above, and

12 monitoring wells horizontally.

13 The way these operations start off as far

14 as the construction is, first, they drill wells in the

15 ground. As you heard yesterday, the Crow Butte

16 Facility has about 5,500 wells that they've installed

17 over a 20-year process. So, the first operation is

18 well drilling. And here's an example of that up in

19 Smith Ranch, Wyoming. They're installing all the wells

20 associated with the well field, the injector wells,

21 the pumping wells, and the monitoring wells.

22 Here is a picture up in Smith Ranch,

23 Wyoming of development of well fields. Up here is

24 where they drilled some wells. They just put these

25 wells in here. These wells are attached to these

1 header houses through pipes in the ground, and from
2 the header houses they run trunk lines back to the
3 facility to run the water over the resins.
4 So, this is a typical well. And, as you
5 can see, they're re-seeding the area at this point in
6 time. They do have to do some construction in Wyoming
7 because it's cold. They need to put the lines under
8 the ground. There is operations in Texas, in
9 Kazakhstan and other countries with wells where the
10 piping might be above ground. In this climate up
11 here, it's always going to be below the ground.
12 This is a picture of some trunk lines, and
13 also the lines going to the header houses. These
14 trunk lines go back to the facility or satellite
15 facility. So, this is during the construction of the
16 well field itself.
17 Here, again, it's after that picture. The
18 wells are in place, the header house is in place, and
19 all the piping is under the ground.
20 MR. ROM: I have a question about
21 construction.
22 MR. VON TILL: Sure.
23 MR. ROM: Can you go back?
24 MR. VON TILL: Yes.
25 MR. ROM: Now, you see where the metal

1 door is on buildings and the vegetation. That whole
2 area was disturbed during your --
3 MR. VON TILL: Yes, it was.
4 MR. ROM: Okay.
5 MR. VON TILL: This whole area is
6 disturbed, and it's disturbed in this way right here.
7 Do a lot of disturbance in the well field itself, but
8 afterwards this is what it looks like. And then
9 further on, this is what it looks like later after the
10 grass has taken root, the pronghorn antelope come back
11 in, and it gets more back into normal operations. But
12 there is disturbance of the land in the development of
13 well fields. I wanted to show you some of these
14 pictures to show you what it looks like.
15 Here, again, is a typical well field. In
16 Wyoming, the antelope are out there all the time, big
17 population of antelope. So, after everything is in
18 place, there's not much -- there's no exposure or
19 anything above the ground to things like antelope or
20 people in this area.
21 Again, here are the wells, and here is the
22 header houses. Another picture of the well field.
23 This is a picture of the Crow Butte facility that you
24 saw yesterday. And here are the wells, and the header
25 houses.

1 This is kind of a process as it comes into
2 the central processing facility itself. Again, from
3 the formation, the water comes out and goes through
4 the ion exchange resins column. The resins pick up
5 the uranium, then they take the resins to the central
6 processing facility. They add some chemicals, and it
7 goes through a chemical process. Eventually, the
8 product that they're making is yellowcake uranium.
9 From there, the yellowcake is shipped on to the fuel
10 cycle, to the conversion facility, and to admission,
11 and then to fuel fabrication. So, this is basically
12 the process in a nutshell. Oh, sure.
13 MR. RAGONA: When that yellowcake is
14 produced, how is it stored so it doesn't get into the
15 atmosphere and the environment? How do you do that?
16 MR. VON TILL: That's a good question.
17 I'll show you a picture later on. When they're
18 dealing with the yellowcake itself, the yellowcake
19 dryer, that's all a contained process with a vacuum
20 dryer. And people, the workers that go into that room
21 have to have respirators on. That's one of the
22 riskiest process for the workers themselves. And
23 there's procedures in place so that they're not
24 exposed, and so that the uranium doesn't come out of
25 that confined space.

1 So, during that you have to have
2 respirators on. They put the uranium in drums, they
3 seal the drums up before they come out of that area.
4 And eventually they're put on trucks and shipped out.
5 But they're contained in drums.
6 MR. RAGONA: So, it's never live boost to
7 vibrate or anything.
8 MR. VON TILL: No, it is not. And that's
9 one of the key parts of the process that we make sure
10 it's contained in the yellowcake itself. And in the
11 yellowcake dryer the workers have to have respirators.
12 That doesn't get outside that.
13 Here's kind of a look at the process, too,
14 from a more simplified process. Here's the production
15 fluid, the uranium fortified water is run over resin
16 beads just like you would have water filtration. They
17 add salt and soda ash through the process here, as it
18 goes through the process, you see it become yellow.
19 This is the filter press yellowcake material, and this
20 is the dried yellowcake here.
21 MR. VANCE: Excuse me?
22 MR. VON TILL: Yes?
23 MR. VANCE: This is Steve Vance from Pine
24 Ridge. You're saying that none of it ever leaks into
25 the air.

1 MR. VON TILL: You mean the yellowcake?

2 MR. VANCE: No, the contaminant, when they
3 go through the hydration process. During the whole
4 process, no contaminant goes into the area.

5 MR. VON TILL: There's some radon that
6 comes out of the whole facility, but the yellowcake
7 itself, the particulate with the yellowcake does not
8 come out. It's contained within a vacuum in the room
9 so that the yellowcake does not come out and come off
10 the property.

11 MR. VANCE: I guess what I'm going to, I
12 kind of asked the question earlier.

13 MR. VON TILL: There is -- not that
14 yellowcake. There are -- I'll show you here later.
15 We have environmental monitoring stations set up to
16 test for that. And they have very, very low levels of
17 things like radon, but not the yellowcake itself.

18 MR. VANCE: Well, how often is that
19 checked on?

20 MR. VON TILL: Continuously. I've got
21 some slides, later on I'll show you that.

22 MR. VANCE: Okay. And NRC is the one who
23 does that?

24 MR. VON TILL: No, we're the ones who make
25 the licensee do that. And we review the data they

1 collect. And we inspect it, we inspect these
2 facilities -- the Smith Ranch facility twice a year.
3 MR. VANCE: So, they monitor it
4 themselves.
5 MR. VON TILL: They monitor it, but we
6 inspect the information, and we look at the
7 information.
8 MR. VANCE: Nebraska SHPO, those --
9 monitor this?
10 MR. VON TILL: I'm sorry?
11 MR. VANCE: The SHPO from Nebraska doesn't
12 monitor --
13 MR. VON TILL: No, once it gets to this
14 stage, this is purely safety. This isn't part of the
15 NEPA process. This is just oversight of the safety of
16 the operation.
17 MR. VANCE: Yes, we're talking about like
18 earlier you saw on the monitor wells on the outside.
19 MR. VON TILL: That's the groundwater
20 monitoring. We also --
21 MR. VANCE: But what I'm asking about, if
22 the water contaminants coming from this facility for
23 water and for air, they self-monitor.
24 MR. VON TILL: Well, they collect the
25 information, but we inspect it, and we review it as an

1 oversight.

2 MR. VANCE: So, you're just basically

3 going on what they report to you.

4 MR. VON TILL: Yes.

5 MR. LaGARRY: I just want, before we move

6 on past the actual process, I wanted to bring up the

7 recurring issue of confinement.

8 In all those years working for the

9 Nebraska Geological Survey and mapping the geology of

10 western Nebraska, we recognized that the Black Hills

11 uplift in South Dakota as it uplifted brittlely

12 fractured the earth's crust in this region, and it's

13 shot through with faults and joints. And in this

14 context, joints are cracks in the earth's crust where

15 there hasn't been movement. So, you don't necessarily

16 have to have earthquakes to have joints.

17 And as a result of this mapping work that

18 we did in Nebraska, the natural resource districts in

19 Nebraska that regulate and monitor groundwater

20 recognized connections between the underground waters,

21 including the uranium ore that's mined in Nebraska is

22 a local aquifer. It has its own water in it, and

23 people on the Pine Ridge Reservation and the towns of

24 Porcupine, Wounded Knee, Manderson, Kyle, Oglala, they

25 tap into this water-bearing rock unit with uranium in

1 it for all kinds of purposes.

2 In Nebraska, efforts are made to minimize
3 that, but yet it still goes on in the stock tanks and
4 whatnot. But the natural resource districts recognize
5 that all the aquifers in Nebraska, including the
6 uriniferous one, and the surface water aquifers, the
7 shallow alluvium that gets recharged by rainwater that
8 some people get their water out of, that these things
9 are all connected.

10 In the Scottsbluff area, irrigation canals
11 along the Platte River accidently connected to the
12 uranium ore deposit down there, and contaminated a lot
13 of towns' drinking water. And with regards to whether
14 or not the water is getting past the monitoring wells
15 at these uranium mines, it's never been demonstrated
16 that water is escaping the confinement through this --
17 what's called secondary porosity, water movement
18 through these cracks.

19 However, you might have noticed from their
20 drawing that the monitoring wells are evenly spaced.
21 What I would like to see, and what would satisfy me on
22 this issue of confining layers are efforts that -- on
23 behalf of NRC, or in regulating the uranium mines to
24 have them pay special attention to the secondary
25 porosity. And rather than pump test in a standard

1 pattern like they do in these aquitards, to pay
2 special emphasis to pump tests specifically on faults
3 and joints that intersect the permit area. This is
4 the only way that you're going to be able to get at
5 whether or not confinement is breached through some of
6 these cracks.
7 The standard pump test is to put evenly
8 spaced injection wells around a center extraction
9 well, and then pump water out of the center to make
10 sure that there's suction, and then, I mean, if the
11 amount of suction you get during your pump test
12 matches your expectations about the porosity of the
13 sediment, then you're fine. But I've always
14 maintained that if you don't have a pump test where
15 you have one or both of either your injection or your
16 extraction well specifically on one of these
17 millimeter thick but very widespread, it's like a
18 sheet of paper in thickness, but it goes for tens of
19 miles, and thousands of feet.
20 You know, if you don't actually get one of
21 your wells on one of these fractures, you'll never
22 understand if there's transmission of fluids along it.
23 And to the best of my knowledge, that's never been
24 done.
25 So, while the mines self-monitor and pump

1 test, and report that they have containment, in my
2 review of -- I've been to Crow Butte, I've toured it
3 many times. I've visited with the geologists there
4 many times. In my view, the issue of containment is
5 probably the weakest link environmentally in this
6 entire process.
7 Once it's out of the ground and into the
8 uranium mine's plant, from what I've seen, it's pretty
9 well maintained. They do contain it. They take great
10 pains to contain the yellowcake, the fluids.
11 Occasionally, pipes do break, but these things are
12 never that bad.
13 The issue that I think -- with regard to
14 the milling process is the issue of containment. And
15 this is an issue for Dewey-Burdock, it's an issue for
16 Crow Butte. It's an issue for the North Platte River
17 Valley, and the Southern Panhandle of Nebraska.
18 That's how far this fracture pattern extends. So,
19 it's a widespread issue. And before we moved on from
20 containment, I just wanted to do that. And I'm Hanna
21 LaGarry from OLC.
22 MR. VON TILL: Thank you for your
23 comments. We do have a number of applications that
24 we're reviewing right now. One of them is the Ur-
25 Energy Lost Creek Project in the Great Divide basin of

1 Wyoming. And that particular site does have a fault
2 through some of the proposed well fields, and we
3 required them to do some additional pump testing, and
4 to have detection and monitoring wells on both sides
5 of that fault, and also to model that situation to
6 fully understand that particular fault. So, we do
7 agree with you that secondary porosity, what he's
8 talking about are things like faults, and frayed
9 channels and all kinds of things where the water can
10 move in certain directions, not just like a sandbox.
11 In the true environment, everything is not
12 like a sandbox, and there is lots of secondary
13 porosity and so forth. And we do look at that in the
14 application. That's very good comments.
15 And then again here is the monitoring
16 system that we have, what you're talking about, as far
17 containment. When we have faults and things like
18 that, like we do with the Lost Creek Project that
19 we're working on right now, we do require additional
20 pump testing with that kind of a situation. But
21 that's a good comment.
22 Let's see here. So, that was the process.
23 This is a picture of a satellite building. Sometimes
24 the operations that they have are too far away from
25 the central processing plant, and what they do is they

1 run the water to what's called a satellite building,
2 which is just a building with a bunch of resin tanks.
3 These tanks here contain those resins that I pointed
4 out right here, these resins in these large tanks.
5 Once these resin tanks are fully saturated, these
6 trucks unload the resins and take it back to the
7 central processing facility. Here is another picture.
8 Here's a truck right here that takes the resins back
9 to the central facility.
10 This is further in the process here with
11 the yellowcake thickener, where you can see the yellow
12 product there. Here is the yellow -- the filter
13 press.
14 MR. CLOUTHIER: What do you guys monitor
15 on these trucks in terms of the satellite in the
16 central process area. I know there's been incidences
17 over fracking. I know that's not an issue that you
18 guys actually address. There's been issues with
19 fracking fluid leaking from those trucks as they're
20 traveling, taking them to their injection wells,
21 leaving their injection wells. What process do you
22 guys have to monitor that?
23 MR. VON TILL: Well, what these trucks are
24 carrying is the resins, these mingled resins with
25 water. They abide by the Department of Transportation

1 regulations with the trucks as they move from the
2 county limits and so forth. So, it's really under the
3 Department of Transportation, but we inspect the
4 trucks to make sure that they are sound, and so forth.
5 We really haven't had that kind of issue with this
6 particular type of operation with the trucks.
7 We've had issues more with the lines that
8 I showed you breaking, and things like that. And
9 we're more concerned with that. But that's a good
10 question. Most of the time, like at the Wyoming
11 facility, they're running about five miles or so on
12 the dirt roads. One of the operations is going to be
13 110 miles away, but we do check out the trucks. And
14 there's procedures that they have to check the trucks,
15 they scan the trucks, they do all kinds of things to
16 make sure the trucks are safe. Yes?
17 MR. RAGONA: I'm curious, what's the life
18 span of one of these facilities like Smith Ranch?
19 MR. VON TILL: Well, the well fields
20 itself is probably 10 years or so. What they do is
21 they move from well field to well field, so some of
22 the well fields that they did 20 years ago are played
23 out in 10 years or so, but they're now recovering in
24 the other areas.
25 MR. RAGONA: So, these buildings, and

1 about how long do they stay up and operate with all
2 the equipment inside?
3 MR. VON TILL: Approximately 20 years or
4 so.
5 MR. RAGONA: Now, moving ahead 20 years,
6 what do you do with the building, the equipment,
7 houses, and what's the process? I know we're probably
8 down the road from that, but what's the process of
9 removing that and making sure that there's no
10 contaminants left behind?
11 MR. VON TILL: That's a good question. At
12 the end of the operations, they're required to fully
13 decommission and declaim all the operations. Things
14 like some of these tanks and so forth that might be
15 contaminated, they're what we call solid waste
16 material, 11(e)(2) byproduct material under the law.
17 It's a definition under the law, that the byproduct
18 material from the recovery of uranium, if it's solid,
19 they have to take it and dispose of it in a facility
20 that's licensed to take this kind of material.
21 For example, these two operations, they
22 take that type of material to the White Mason building
23 down in Utah, and put it into a contained tailings
24 there, that kind of material. So, at the end of this,
25 and what this is going to look like is just,

1 basically, the land -- we're going to completely take
2 out the piping, abandon the wells, take out all those
3 buildings, and take them to facilities that take that
4 kind of material, and put it back the way it was.
5 MR. RAGONA: Are tests done on the ground,
6 anything to make sure that there's no contaminants
7 left in the dirt, as well?
8 MR. VON TILL: Yes, absolutely. And when
9 they have spills and things like that that do happen,
10 they're required to clean that up and to do testing to
11 make sure of the cleanup. That's a good question.
12 Again, here's the yellowcake filter press.
13 And you were asking earlier about the room where they
14 deal with the yellowcake. And this individual here
15 has a respirator on. This room is under a vacuum so
16 that the material does not get out. This is the
17 yellowcake here, and it's contained in these 55-gallon
18 drums.
19 MR. CATCHES ENEMY: So, when you say
20 vacuumed, where does it go? Where is the vacuum?
21 MR. VON TILL: It goes back into the
22 actual lubricant. It's a closed circuit.
23 MR. CATCHES ENEMY: Eventually, that has
24 to go somewhere. That building will be decommissioned
25 at some time. Where does that --

1 MR. VON TILL: Well, the building then --
2 if the building is contaminated, they break it down
3 and they take it to a place like White Mason. But
4 it's a vacuum -- it's a closed operation.
5 You're asking about environmental
6 monitoring, as well. We have groundwater monitoring,
7 which is a key component of these facilities, but also
8 as far as the radiation is concerned, we have
9 environmental monitoring stations that are required at
10 each facility. They take a lot of weather data in the
11 beginning to figure out what the downwind directions
12 are, and then they put these environmental monitoring
13 stations downwind of a facility, and they collect a
14 lot of things like air particulates, radon, and direct
15 radiation to make sure that the facility is not
16 leaking radiation.
17 And what they look like, here's an
18 environmental monitoring station right here. This is
19 a MET Station, or a meteorological data gathering
20 station. This is an environmental monitoring station,
21 another look at environmental monitoring station which
22 is set downwind of these facilities to collect air
23 particulates, radon, and direct radiation. And they
24 collect this data, and we inspect it, and review it.
25 Yes, Mike?

1 MR. CATCHES ENEMY: In our site visit at
2 Crow Butte yesterday, I didn't see any of these. Are
3 these there at Crow Butte?
4 MR. VON TILL: They're there. If I would
5 have asked them to do it a little differently, I would
6 have had them show you some of those environmental
7 monitoring stations, but they're there. They have a
8 number of them.
9 MR. CATCHES ENEMY: So, Crow Butte does
10 this, or the Nuclear Regulatory Commission does this
11 part?
12 MR. VON TILL: The licensee implements it
13 under our oversight. So, they collect the data, we
14 review their labs, we review their procedures, and
15 then we review the data to make sure they're doing it
16 right.
17 MS. OLSON: So, one other question, and it
18 goes back to Steve's question earlier. Paige Olson.
19 So, what kind of contaminants are you looking for
20 aerial, so radon, what else?
21 MR. VON TILL: Air particulates. I'm not
22 a health physicist, so I have to get back to you on
23 that. But, basically, direct radiation, like gamma
24 radiation. They have a license that -- like people's
25 TLD badges that you saw all these people wearing

1 yesterday. That collects direct gamma-type radiation,
2 they collect radon, and like air particulates, gross
3 alpha, things like that, different radionuclides that
4 you might expect to get.
5 MS. OLSON: So, I guess my question is
6 then, is what kind of air contaminants are you looking
7 for?
8 MR. VON TILL: Radon.
9 MS. OLSON: Just radon, that's it?
10 MR. VON TILL: Radon and air particulates,
11 such as things like gross alpha, which is a measure of
12 radiation.
13 MS. OLSON: Okay. So, you're looking for
14 radon and radiation levels.
15 MR. VON TILL: Yes.
16 MS. OLSON: In the air. Anything else?
17 MR. VON TILL: As far as the air monitor?
18 MS. OLSON: Yes.
19 MR. VON TILL: No. Yes?
20 MR. WHITTED: Can you go back to where
21 that guy is sealing that yellowcake?
22 MR. VON TILL: Sure.
23 MR. WHITTED: What's the radioactivity
24 level at this point, that yellowcake got exposed. And
25 this suit don't look like it's very --

1 MR. VON TILL: Yes, that's a good
2 question. For something like yellowcake, the biggest
3 -- for radiation, you have all kinds of different ways
4 of the radiation getting out. One is direct radiation
5 you can't see, beta and gamma-type rays. At these
6 facilities, though, the main culprit is what we call
7 alpha radiation. And that, the main thing is
8 ingesting it. It's not so much the direct radiation
9 that you can't see. It's more getting this
10 yellowcake, ingesting it, getting it in your eyes, in
11 your nose. That's the biggest threat in this
12 yellowcake. And it's called alpha radiation
13 contamination. And that's what he is specifically
14 protecting himself from. He has gloves on him, he has
15 a Tyvek suit, and he has a respirator to protect him
16 from this particular type of radiation.
17 Now, in a nuclear power plant, that's a
18 different story. You have a lot more gamma and beta-
19 type radiation. And this wouldn't quite cut it at
20 that type of facility. But this facility here, the
21 main thing is breathing and getting it in your eyes,
22 and things like that. So it's more -- he's protected
23 from that particular type of radiation hazard.
24 MS. RYAN: Bill, just to follow-up -- I
25 know it was discussed yesterday.

1 MR. VON TILL: Okay. Also, when this guy
2 goes into a room like this, he not only has a TLD
3 badge that records direct radiation, but he also --
4 sometimes they also use these things that pump in air
5 and give direct radiation measurements as to what he's
6 being exposed to, and then they evaluate that.
7 In the old days, back before the NRC
8 regulated these facilities, they didn't use
9 respirators, so that's been a change since 1978 to
10 make this a more safe operation. They didn't do this
11 kind of thing back in the `50s, and back in the Cold
12 War era. It's an improvement.
13 MR. WHITTED: Did they go through a lot of
14 these young men?
15 MR. VON TILL: No, as you saw with the
16 graphs yesterday, the amount of radiation that these
17 folks get is far lower than a typical radiation that
18 you and I get just living on the earth. So, it's very
19 low levels that these guys get.
20 Now, the people over at Fukushima, Japan
21 going into that reactor and dealing with that, that's
22 a different story. They're actually getting exposed
23 to higher levels of radiation, and they might have to
24 go in for five minutes, and come out. But these
25 facilities here, these guys based on the bioassay

1 results, and all of the monitoring that's done, very,
2 very low levels at these facilities. Yes?
3 MR. IN THE WOODS: I have questions here.
4 Bryce In The Woods, Cheyenne River Sioux Tribe. The
5 main concern would be the excursion of this product,
6 you know, the end result goes into fuel rods that go
7 into the nuclear plants, that NRC right now, they're
8 spacing some infrastructure, not only NRC but this
9 whole -- our whole country here is based on
10 infrastructure detail and degradation. And you have
11 pipelines that are emitting titans, all these
12 byproducts that are very cancer-causing emitting from
13 leaking pipelines underneath these plants. I think
14 there's 65 nuclear plants, and this radiation that's
15 getting out into the streams, that's the end
16 byproduct, period. And radon, you can't control it.
17 It's going to emanate, wherever it's at it's going to
18 go into the air, the air quality. Nobody can tell
19 what that's going to do, and what it has been doing
20 for the last 50 years.
21 Twenty years ago standing here in South
22 Dakota, 46th populated state in the 50 states, Wyoming
23 is number 50. And Wyoming is probably the biggest
24 exploited state in the Union because of the low
25 population probably, but the main concern again is

1 this excursion of this product from -- where the main
2 concern would be this bleed production.
3 When you as NRC only inspect twice a year
4 and you see things happening now due to the
5 infrastructure to date, that it's not -- you can't
6 insure the safety and health of not only the two-
7 leggers, but all life forms here on the planet. And
8 this is a very deadly energy. Cleanest energy but the
9 deadliest energy. And it's not getting any better.
10 It has to be probably a whole reevaluation
11 that NRC has to do in order to deal with the safe --
12 one of the end byproducts, spent fuel rods. What is
13 NRC going to do with spent fuel rods? When that
14 question can be answered, maybe the public could
15 breathe safe. That's one question that needs to be
16 answered.
17 And now, I hate to say it, you mentioned
18 Japan, you mentioned the gamma, beta rays, you know,
19 there was three meltdowns over there, and those spent
20 rods are exposed, so you get the Union of Scientists,
21 you get as many people as you can to answer some of
22 these tough questions that are coming up on this
23 planet because of nuclear power.
24 I think some countries are looking at --
25 in time, the time line they're going to stop using

1 nuclear power. I think Germany is one, but then
2 there's some food, E. coli over in Germany happening.
3 You know, it seems like when you're doing and with --
4 this has been going on, and we look at Cave Hills
5 treaty territory, 1851 treaty territory is what we're
6 talking about, a lot of our elders put that in our
7 head. And we've been ignored for decades. Back in
8 the `50s, because of where this is located, they're
9 starting a termination policy on the tribes. And,
10 also, a lot of liquor into the reservations. And, at
11 the same time, they started digging for uranium. So,
12 you get politically attacked, and then you get
13 attacked because you vocalize what our Chiefs sitting
14 here, and our jobs with the Black Hills Treaty
15 Council, and the ones before them. Their concerns
16 with the land, and the air, and the water, and the
17 next seven generations, that's never taken into
18 concern. And we're still dealing with that in Cave
19 Hills up there.
20 Karen McGee, I believe one was a Senator.
21 We got Senators and House of Representatives that are
22 -- you look at, they're becoming millionaires. And
23 you look at the community, the district I represent up
24 on Cheyenne River, one of the poorest counties in
25 America. It's about economy, too. But we don't see

1 that, that royalty like Wyoming, the State of Wyoming
2 gets royalty, so does the United States Treasury. I
3 believe it's $1 billion that the state gets in
4 Wyoming, $1 billion in royalties, treaty territories.
5 So, it is about economy, it is about equal and fair
6 justice.
7 But the concern is NRC only inspects
8 twice, and lets the companies -- you know, honesty is
9 the best policy, but if they're getting fined, they're
10 not so honest. And if we had a bleed in production
11 that went up or down, that's insuring that the company
12 is going to go bankrupt because they have to go in
13 there and do reverse osmosis to that whole aquifer.
14 And that's expensive. So, that's another thing, is
15 how are you going to deal with contaminated water?
16 Who is responsible for that cleanup? And you heard
17 some words here about aquifers and contamination.
18 Again, that's -- water is life. So, the groundwater,
19 what we can't see, the water quality, the air quality,
20 you know, NRC is not insuring that.
21 NRC has to play a bigger role in dealing
22 with not only the license, issuing that permit, but
23 you need to be responsible to the -- before and after
24 of this whole nuclear process that you guys are facing
25 now in this country. So, those are my concerns, is

1 who's going to clean up the contaminated water? You
2 have technology now, NASA. We have that technology
3 here, but when you have oil and gas companies that
4 corner the market in patents, and then you have
5 something that might be of value to our people's
6 health and safety, but it can't be brought to the
7 market because the oil companies, or whoever has got
8 that patent and won't allow that to happen. That's
9 another concern that needs to be out to the public.
10 The public needs to know that.
11 There's a lot of things here that energy
12 companies are cornered so you can't hold them
13 accountable. So, NRC cannot say that who's going to
14 clean those contaminated waters up, who's going to
15 clean up Cave Hills, Slim Buttes, who's going to clean
16 those areas up that are going into the water, that are
17 going into the Missouri? Who's going to clean that
18 up? And the biggest concern is the aquifers. That's
19 that whole cycle of life here on this planet, and it's
20 being contaminated.
21 And 20 years ago, you could look to the
22 east or the west, now you could see the smog, the
23 pollution out here. We've got mercury in our dams,
24 our fish. We've got 2.7, maybe more alpha emitters in
25 our water that we drink, that kids drink.

1 I know some of that's natural, but some of
2 that's a direct result from 50 years of mining that's
3 affecting not only you, or me, it's affecting this
4 whole country. Now with Japan, wherever that
5 radiation drops, it's going to affect that area
6 because it comes down with rain. Big concern, who's
7 going to clean the contaminated waters? Thank you.
8 MR. VON TILL: Thank you for your
9 comments. I did want to stress that all the
10 information that they collect at these environmental
11 monitoring stations, and the groundwater monitoring
12 and so forth, that's put into semi-annual effluent
13 monitoring reports that comes to us, and it's publicly
14 available information.
15 Also, our inspection reports that we have
16 are also public information, as well. And for the
17 facility like Crow Butte, you can always see for
18 yourself some of the information that's collected at
19 this facility, as well. We try to make it an open
20 process. Very good comments.
21 I just want to get through this so I can
22 give more time for exactly those kinds of comments.
23 MR. RED CLOUD: Oh, one more.
24 MR. VON TILL: Oh, I'm sorry. Go ahead.
25 MR. RED CLOUD: Yes, I have one comment.

1 How do you define environmental effects?

2 MR. VON TILL: That's a good question.

3 Your question is going back to Kevin's presentation on

4 Slide 7. And I think your question was how do you

5 define environmental effects? Kevin, if you can

6 answer that question. Slide -- page 7. Okay. What

7 slide is that? 19, thanks. Okay. The question was,

8 how do we define environmental impacts, I think.

9 Right?

10 MR. RED CLOUD: Right.

11 MODERATOR HSUEH: We basically just -- we

12 have a different cultural -- for example, the cultural

13 resources, just talk about cultural resources, is one

14 of the things that we used the National Historic

15 Preservation Act. We consult with the consulting

16 parties to get additional information from them. This

17 is part of the information that we have with the

18 consulting parties to gather information so that we

19 can kind of use that information as the input, and to

20 figure out, or to finalize our -- do our analysis,

21 input to our report. And then we will analyze those

22 input, and then do our environmental impact analysis.

23 So, I think the key is to interact with

24 all the parties that are involved, and this is the --

25 one of the mechanisms that we use to get your input,

1 and to get your concerns and comments. And we put
2 those into our consideration, and we focus on those
3 area, and then to address those area.
4 MR. VON TILL: Okay. Let me just get
5 through a couple of more slides here. Again, where
6 are these facilities located? The operating
7 facilities we have right now, the Crow Butte
8 facilities, the Smith Ranch facility, the uranium
9 mine, Willow Creek project. I think there are some
10 sites in Texas.
11 MR. ROM: Question, Willow Creek, is that
12 over by the Pumpkin Buttes?
13 MR. VON TILL: Yes, it is.
14 MR. ROM: Okay. Can we get a map of where
15 these facilities are?
16 MR. VON TILL: One of those slides I
17 showed you was a map. It showed -- it was formerly the
18 Cogema Iragary and Christensen Ranch site.
19 MR. ROM: Yes, there are lots and lots of
20 different spots on that map. It's kind of hard to
21 tell what was what. But, okay, yes, you don't have to
22 go back. That's fine.
23 MR. VON TILL: The question was where are
24 these facilities? This is the Smith Ranch facility.
25 It's near Douglas, Wyoming. And this is now called

1 Uranium One at Willow Creek project which is operated
2 -- it's further up the Powder River basin. It is near
3 the Pumpkin Buttes, so that's where that -- that's it
4 right there. It was formerly called the Cogema
5 Iragary and Christensen Ranch site.
6 Okay. So, this -- we're going to pass
7 this out. This changes all the time, but this just
8 gives you a snapshot of the applications that we're
9 estimating to get in the future. There's a lot of
10 exploration projects out there with the uranium
11 companies. We update this on our website monthly, and
12 this is a snapshot that shows some of the potential
13 projects looking in the future. Some of them are in
14 places like New Mexico, Nevada, and so forth, but you
15 can always access this on our website to see the
16 changes, and if there's any projects that you're
17 interested in, in Wyoming, or wherever.
18 I wanted to also mention one other thing
19 here. There's different points in the process for
20 public involvement, for the tribes to get involved.
21 We do have in Tribe Outreach a strategy for uranium
22 recovery, which can be found in this link right here
23 that the Staff uses to go through the process.
24 Basically, if we have something where tribes are
25 interested in a project, we contact folks; like in New

1 Mexico, we have some potential projects. If we have a
2 meeting with the potential applicant, we'll notify the
3 tribes, the Yakima, the Levina, the Navajo, of this
4 meeting. That's kind of how that works.
5 We have consultation meetings like this.
6 When we do the draft environmental impact statement,
7 there's an opportunity, of course, to comment on that,
8 and just contacting us with any concerns that you
9 have. This is a good format right here. Yes?
10 MR. ROM: Are you calling it a
11 supplemental EIS because it's supplemental to your
12 overall --
13 MR. VON TILL: It's supplemental to a
14 generic environmental impact statement that is done by
15 the NRC --
16 MR. ROM: Right. Okay.
17 MR. VON TILL: -- for in-situ recovery
18 survey.
19 MR. ROM: So, each of these facilities
20 you're looking at right now will have a separate
21 supplemental EIS.
22 MR. VON TILL: Yes, it will.
23 MR. ROM: Okay.
24 MR. GOODMAN: Currently, the two
25 facilities that we're doing for Crow Butte are

1 environmental assessments, they're not supplemental
2 environmental impact statements.
3 MR. VON TILL: The brand new facilities,
4 kind of brand new facilities by themselves, we do a
5 supplemental environmental impact statement. For
6 things like license renewal, and an expansion of the
7 Crow Butte facility, an environmental assessment is
8 prepared.
9 MR. ROM: Well, suppose there are
10 significant adverse effects?
11 MR. GOODMAN: If there's a significant
12 environmental impact, obviously, we would switch from
13 the environmental assessment to the environmental
14 impact statement.
15 MR. ROM: Okay. For the re-licensing of
16 Crow Butte, that's got significant adverse effects on
17 Crow Butte, which is a traditional cultural property
18 for the tribes.
19 MR. GOODMAN: Currently, we're looking at
20 an environmental assessment for the Crow Butte
21 license renewal. If we find significant effects, we
22 will switch to an environmental impact statement.
23 MR. KLUKAN: Let me just explain the
24 process. The way NEPA works, and the way NRC applies
25 it, the exception is a particular procedure which is

1 an automatic environmental impact statement. You do
2 an EA. An EIS to determine whether there are
3 potential significant impacts such that would require
4 the production of an EIS, an environmental impact
5 statement.
6 In Crow Butte, we're only at the EA stage.
7 We're more in the production for the EA. We haven't
8 made any conclusions yet as to whether there will be
9 any significant impacts, so that's what Nathan meant
10 by that. What -- the difference he was trying to
11 point out is that for those new facilities, like
12 Dewey-Burdock, Crow Butte was docketed prior to the
13 completion of the GEIS.
14 What the Staff is determining to do is,
15 we're just going to, instead of producing EAs, they're
16 going through the traditional process here. We're
17 just going to bump it up to SEISs, so we're going to
18 move at that stage.
19 What the GEIS is, is essentially a bundle
20 of information that can be incorporated into SEISs, to
21 make them EISs. The GEIS cannot stand on its own for
22 any facility. That always needs to be supplemented by
23 site-specific information.
24 But in Crow Butte, because it was docketed
25 prior to this, we're going through the traditional

1 NEPA process, which we're doing an EA, figuring out if
2 there are any significant impacts that require an
3 EIS, and then move forward with that. If there are no
4 significant impacts, and we not make any determination
5 either way, we would docket and finally note
6 significant impacts. So, that's where we're at now.
7 MR. RAGONA: If I may, Mike's is going to
8 introduce Chief Oliver, but I -- since we talked about
9 Crow Butte, I'd just like to ask one question. I know
10 there's some concern, the licensing is up for renewal,
11 and the officers received this document on May 31st,
12 and they want -- and it's a 14-day comment period.
13 And I talked to some of our hydrologists and some
14 other folks here who would like to review it, and our
15 office will most likely write the comments on it.
16 The problem is, the 14-day period really
17 is not enough. Concern was expressed that information
18 and documentation that they need to review and comment
19 on so they can talk to us about it, kind of explain it
20 down so we can put our comments to paper, we need an
21 extension on that 14 days. Fourteen days just isn't
22 enough, it should be more like a 30 to 60-day time
23 period, because I was told that we don't even know
24 where some of these documents are that would have to
25 be referenced. So, with that, I think that's the

1 request that we need, is two-fold. One, an extension
2 on the comment time period. And, two, so our
3 hydrologists, our geologists, our people who are going
4 to come together and get this information to us have
5 the time to look at this information, but they also
6 need to know where to get it, and whether or not it
7 can be supplied to them, or at least tell them where
8 they can get it so it doesn't become a scavenger hunt
9 and take up more time.
10 MR. VON TILL: Okay. Thank you. Nathan
11 is the Project Manager, so we'll record that as an
12 action item.
13 MR. RAGONA: Okay, great.
14 MR. CATCHES ENEMY: Let's do the report to
15 Mr. Red Cloud.
16 MR. VON TILL: Sounds good.
17 MR. RED CLOUD: Good morning. I guess, I
18 told you before who I am. I'm Chief Red Cloud, Oglala
19 Sioux Tribe. I'm head of the eighth reservation on
20 treaty rights, Black Hills Sioux, Sioux Nation
21 Council. And I take care of the treaty rights. And a
22 treaty is still standing, and that's where I am. And
23 I'm sitting over there listening to what they're
24 showing here. I went through that before.
25 You know, we have a treaty. It still

1 stands with the United States. But our treaty is
2 under United Nations, not under United States. So,
3 anything like this we have to have that Article 12.
4 And anybody in the United States violate my treaty, or
5 overlook my treaty, I have to use Article 1. That
6 still stands.
7 And nobody else can give clemency to
8 nobody on treaty rights, because right now this
9 reservation, eighth reservation is under 51 Treaty,
10 and all our mineral rights are under there. And it
11 still stands.
12 And regardless who, Senator, Congress,
13 whomever, they have to come and see me, because I have
14 rights, Article 1 under United Nations. And that's
15 the law, that's me, and United States Constitution
16 law, they can't go over me.
17 So, today you're talking about what you're
18 going to do here, I don't go along. I've told these
19 people, I told them, "Stay away." Under 51, that's my
20 right. They come from New York, they come, I told
21 them, "Go away." They chase them out of the
22 reservation, "Don't come back." Because under treaty
23 rights, I don't agree with them, because United States
24 can violate the laws of my treaty. Where is treaty
25 valid with 51. And down the line, they violate. So,

1 like you say, who give the Commission, no but I have
2 to take you. If you do, I have to take you to United
3 Nations or Supreme Court on Article 1.
4 You don't believe me, read that. And
5 that's me, because my great-great-grandfather made
6 that treaty, and here you are, look to United States,
7 how many of your people honor that treaty? And look
8 where I am. Still, take what I have.
9 I talked to a lot of people, and today I'm
10 here, and I want no part of this. Now, sure we could
11 go to the highest court, we could go, I could go with
12 you. You have to show your right, and I have to show
13 mine, my treaty, my rights. I was born here, I was
14 created here. You come from out of the country, try
15 to tell me what to do.
16 So I have to take them to court, or we
17 have to sit down. I still have my rights under United
18 Nations, other United Nations, and I know my rights on
19 natural law is under -- so, United States have to be
20 careful.
21 Like I said before, for the treaty that's
22 valid is 51. To that, all Lakota people, eighth
23 reservation. And the land, that's treaty land. So,
24 today I'm sitting over there. I've talked about the
25 people, generation, and generation, generation, and

1 there's some more coming.

2 So, what you're going to do here today, I

3 can't swallow that. I have eighth reservation,

4 Article 12, I could use that, and you're still pushing

5 me. I have to use Article 1. You don't believe me,

6 the way I look, but I know my rights. So, that's why

7 I have to tell you I know my people really don't

8 understand what's going on. Just a few people here

9 know, so now I have to go back and tell the people

10 what's going on. But you can't give permission to

11 nobody, go through me. I believe the Tribal Council,

12 this is a treaty council, and we're the one, big

13 treaty. That's why you're here.

14 Thank you very much. I have to tell you

15 that, so be careful what you are going to do. That's

16 me, Chief Red Cloud, Oliver. I'm 92-years old. I'm

17 still fighting for my rights. Thank you very much.

18 MODERATOR HSUEH: Thank you. Thank you

19 very much. We appreciate your comments.

20 MR. CATCHES ENEMY: Any other comments

21 before we break for lunch?

22 MS. WHITE PLUM: Good morning. I want to

23 greet our elders, Chief Red Cloud, our elected

24 officials, tribal employees, and our visitors here

25 from the Nuclear Regulatory Commission, Cameco

1 Corporation, Powertech Corporation.

2 For those of you who don't know me, my
3 name is Debra White Plum. This is our home here with
4 the Oglala band of the Lakota Nation. Our way is to
5 be good to our visitors. Some of you have seen I'm
6 the lead plaintiff against Cameco Corporation in
7 Nebraska, Crow Butte, ISL uranium mines. I'm a
8 plaintiff against North Trend Uranium Mine. I'll be a
9 plaintiff against Three Crow. We'll do everything we
10 can to get standing to fight this.

11 We'll fight Powertech, so I don't come
12 here friendly. I don't come here hostile. I just
13 come to speak the truth, the way I understand it. All
14 of you all is doing your jobs working for mining
15 corporations, working for the United States
16 Government. I'm here doing my job as a Lakota woman,
17 mother, grandmother, great-grandmother. This is my
18 job.

19 I want the record to show this is not a
20 consultation. You're not consulting with our band.
21 You're here with program staff. Following your
22 procedures and your process, the United States
23 Government is trying to put a round peg in a square
24 hole.

25 We have two different ways of looking at

1 everything. You say cultural properties, historical
2 properties. We know about that, how you fit a little
3 place, this right here, there's a grave here. This
4 right here, there's a teepee ring. This right here,
5 and then you're going to say well, we won't mine
6 there, we'll mine all around that, but we won't mine
7 right there. We won't disturb that right there, but
8 we'll disturb everything else. That's what your
9 process is. We know about that.
10 The different ways that we look at things,
11 all of that is our cultural property, all of this is
12 our historical property. First off in a spiritual
13 manner, our relationship to Mother Earth, Grandmother
14 Earth, including the water under the ground, the water
15 above the ground, the water coming from the sky. We
16 have a spiritual relationship, and a spiritual
17 obligation because of that relationship.
18 You heard Chief Red Cloud; that's treaty
19 land over there, that's treaty land over there, this
20 is treaty land. So, we have two different ways of
21 looking at this. You believe it's your territory, we
22 believe it's ours. It is ours through treaty law,
23 just because your government violates it doesn't make
24 it right.
25 So, you think you have the right to mine

1 there if we gather here and satisfy your little
2 requirements. That's what you're going to do, you're
3 going to take it back and say we consulted with the
4 Oglalas, but this ain't a consultation.
5 You want us to prove these little places
6 here and there, and then you'll say well, we won't
7 disturb it, and you'll mine all around it. Well, I'm
8 here to say all of that shouldn't be disturbed, all of
9 that land, all of the groundwater, all of the surface
10 water, the air shouldn't be disturbed. That's how we
11 see things differently.
12 The miners, the government who are
13 supposed to regulate the miners, you don't see the way
14 we see. It's all one. There's no separation between
15 the environment and human beings. There's no
16 separation from this little piece of land, and the
17 whole rest of the so-called mining permit areas. To
18 us, it's all one.
19 That used to be a Humblecha site, Crow
20 Butte. Crazy Horse sat up there and he prayed with
21 his Chenupa every day until he was killed there at
22 Fort Robinson. We can't Humblecha there no more.
23 That's one of our sacred ancient rituals, because
24 there's a uranium mine there now. So, it already is
25 impacting our human right to be who we are.

1 Medicine grows there. Me and some elders
2 went over there, but there's a fence, and it says,
3 "Radioactive." That's where our medicine grows, on
4 the other side of that fence. So, we have to sneak in
5 there and pick medicine for our stomachs, and our
6 hearts.
7 The government by allowing these miners to
8 come in is already denying us our human right to be
9 who we are, and our future generations the right to
10 clean water. You can't separate cultural properties,
11 historical properties from the coming generations, and
12 from us here today.
13 I know the government doesn't see the way
14 we see. This isn't the first time we sat with
15 government officials and miners, and it probably won't
16 be the last. That land over there where Crow Butte
17 is, where they want to put North Trend, where they
18 want to put Three Crow, where they want to put
19 Marslin. Our surface water connects, our groundwater
20 connects. That isn't enough for the government and
21 the corporations to shut down. So, isolating these
22 little pieces of land where there's a grave, or a
23 teepee ring, that doesn't fit in our world. The way
24 you see things doesn't fit in our world, but yet you
25 try to make us fit into your world. So, there's a

1 problem there.

2 That's why we're challenging Cameco

3 foreign-owned corporation with a little American

4 subsidiary, LLC set up in America. Same with

5 Powertech, Canadian, Belgian, French, all the way back

6 to the Suez, huge corporation, French Suez.

7 So, I have to tell you this today. We

8 don't want you to mine there. We don't want the

9 government to approve a mine there. Just because you

10 say okay, there's a teepee ring, there's a grave,

11 there's a card, we acknowledge that, we acknowledge

12 your ancient history, and we won't disturb that one

13 place, but we're going to disturb everything else.

14 That's not okay with us.

15 I'm trying to help you to understand our

16 paradigm. I understand yours, but I want you to

17 understand ours. It's important to us, and it's

18 important to the future generations, as well, who we

19 represent.

20 In 20, 30 years all of you all is going to

21 be gone, the uranium will be gone, and you'll all be

22 gone. We're going to still be here, those of us who

23 are surviving the cancer, the diabetes, the renal

24 failure caused by your mines, by your rules, and laws,

25 and regulations. So, our perspective is different.

1 That whole land is our cultural property,
2 our historical property, all that water, the air, not
3 just what little pieces your archeologists found.
4 This isn't an information-gathering session either.
5 All that's represented here is Indian Reorganization
6 Act Government. You were fortunate our Chief came to
7 speak to you, but we have many spiritual leaders who
8 should be here. The tribes should have made them be
9 here, tell them we'll give you gas money and a meal,
10 come, defend our land. But the tribe isn't going to
11 do that. They could have called on their own experts,
12 our spiritual leaders, our medicine men, our
13 historians, our treaty people.
14 We have Lakota scientists. They're not
15 here. This isn't a fair information-gathering,
16 because the government is only corresponding with
17 Indian Reorganization Act Government. I have nothing
18 against the IRA people in here, friends, relatives,
19 but it's the system, it's the process. So, this isn't
20 even a fair information-gathering session.
21 I want the record to show that I said
22 that. This is just the Oglala band. We have Sicangu,
23 Hunkpapas, a lot of other tribal nations could all
24 have their people here, their experts to give
25 testimony on this, but the way your process and your

1 system is set up is to your advantage, not ours. So,
2 this isn't a fair information-gathering session as
3 part of your overall consultation process, which means
4 you sit down with our government. Your government
5 sits down with our government. That hasn't happened,
6 and it's not going to happen. Consultation process
7 cannot happen because it's not going to be fair.
8 There's something in international law
9 called free and prior informed consent. You're not
10 giving that by only communicating with the tribal
11 government, because that's just one part of our
12 society. We exist side-by-side, traditional way with
13 tribal government way. Sometimes we're on the same
14 side, sometimes we bump heads, but at the end of the
15 day we're all friends and relatives again. So, this
16 whole process isn't fair, does not give us our free
17 and prior informed consent. And that's an
18 international standard of recognition for people
19 impacted by government decisions, government actions,
20 which includes mining.
21 The government nor the mining corporations
22 had the free and prior informed consent of the Oglala
23 band, the Lakota Nation. You do not have that. I
24 don't know how you'll get it using the processes that
25 you employ. But I want the record to show that I'm

1 here defending my right to free prior informed consent
2 under international law.
3 So, we live in two different paradigms, we
4 have two different perspectives. All you all is on
5 the payroll, you're getting paid to come here, sit
6 here and listen to us, type up your reports, file them
7 when you go home. So, this information-gathering
8 session is inadequate, and it's to your advantage, and
9 that's wrong.
10 Up in the Black Hills where Powertech and
11 Cynataw, and Suez Corporations want to mine uranium,
12 that's a real special place to us up there. Any
13 mining up there is wrong, just as it is in Nebraska.
14 That's where our ancestors wanted to settle. That was
15 our choice after the Black Hills. We couldn't do
16 Powder River, couldn't do Black Hills, so we wanted
17 there, but they were moving us, forced march under
18 arms, they were moving our ancestors, the Oglalas,
19 Sicangus. They were marching us, going to settle us
20 way over there but a blizzard hit. Sicangus got ahead
21 of us. A blizzard hit, we're in this area, so we
22 stayed here. That's how we come to be here. But we
23 were being marched under gunfire from there, so now
24 we're here.
25 The Black Hills area is already

1 contaminated by past uranium miners, past government
2 officials who sat in your places years ago, left their
3 waste behind. ISL mining stores, toxic soup deep
4 underground like you are at Crawford, like you want to
5 do some more, like you want to do some up there. But
6 that all, too, is our cultural/historical property,
7 all of it. And it's not just ours, it's our
8 generations to come, it's the birds, the four-legged,
9 those that crawl and swim. So we have to oppose that
10 mining in the Black Hills, as well, for all of that
11 benefit.
12 So, this is not an adequate information-
13 gathering session for either Cameco or Powertech's
14 proposed mining permit areas. We used to gather eagle
15 feathers over there, fish. We can't do that no more.
16 Our rights have been erased by that uranium mine.
17 That's how it's going to be in the Black Hills, it's
18 going to be worse in Nebraska than it is now. Our
19 rights are going to get killed more, more rights are
20 going to get killed. The more advantageous it is to
21 the miners and the government, the less advantageous
22 it is to us. So, right away we have a confrontation
23 because of the way we see things, and because of the
24 way we're impacted.
25 So, I want the record to show that this

ED_005364K_00007684-00087

1 challenge, you're challenging us. You come here to
2 our land and challenge us, and you're on the payroll
3 to do it, so you're doing your jobs. But there are
4 people who oppose the desecration of that land, the
5 desecration of that land and water. Money isn't
6 important to us when it comes to making those kind of
7 decisions. We don't want no money for mining.
8 Setting up your mines and mining is a
9 desecration of our cultural property, of our
10 historical property. We wanted our lawyers to be
11 here. NRC has their lawyers here. That's not allowed
12 in your process. That's also unfair and
13 disadvantageous to anyone who doesn't support mining.
14 I want the record to show that. And I guess I'll see
15 Cameco June 22nd at your hearing in Crawford.
16 MR. CATCHES ENEMY: Thanks. Is there
17 anybody else?
18 MODERATOR HSUEH: Thank you for the
19 comments.
20 MR. YOUNG BUCK: I'll introduce myself.
21 I'm Martin Young Buck from Basin, South Dakota. I'll
22 talk honky so everybody understands what I'm saying.
23 I come from Phoenix, Arizona. I live 27
24 miles east, called Apache Junction. I just came
25 through the forest fire, saw that smoke come up to

1 here. That's why we're still here. And as you notice
2 lately, winds are picking up. What happens when the
3 radiation comes our way? We're in -- Crawford's
4 southwest of us here. And right now, all the mining,
5 open pit mines in New Mexico, and Arizona, a lot of
6 high rate of leukemia and cancer now of the wind
7 blowing.
8 I brought a map, I'm going to pass it up
9 that we created, but it shows about 30 mines that are
10 on Indian reservations. It's kind of funny, you know,
11 they put us on the most desolate land, and we're
12 sitting on riches, and they're after it.
13 In 1998, the Mojave Indian Reservation was
14 invaded by the State of California to put a nuclear
15 dump site on the reservation right on top of a water
16 aquifer. As a member of the American Indian Movement
17 we stopped it, because we had -- the whole community
18 didn't know what was going on. But this situation
19 here, we've got to be very careful. And it was
20 mentioned in Japan, what happened in Japan, Chernobyl,
21 once it gets contaminated, it's gone.
22 I'm not going to take the most of your
23 time, but you know I'm against it. That's all there
24 is to it. Thank you.
25 MODERATOR HSUEH: Thank you.

1 MR. CATCHES ENEMY: I guess we'll break
2 for lunch now for an hour.
3 MODERATOR HSUEH: Michael, before we
4 break, just a point of clarification. The
5 participants of this meeting, we have government
6 officials from NRC, we have tribal officials, we have
7 tribal members. We have not invited the Cameco
8 employees or Powertech employees to this meeting, so I
9 just want to make that clarification. Only government
10 officials, tribal members, and the tribal officials,
11 and tribal leaders. Thank you.
12 (Whereupon, the proceedings went off the
13 record at 12:27 p.m., and resumed at 1:59 p.m.)
14
15
16
17
18
19
20
21
22
23
24
25

1

2 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

3

4 MODERATOR HSUEH: Thank you. This is
5 Kevin Hsueh again. As you know, tomorrow we are going
6 to have a site visit to Powertech, Dewey-Burdock site,
7 and for the same purpose. And we would just like to
8 have a good estimate of how many people are going to
9 -- for the site visit tomorrow.
10 Tomorrow we will follow the same format as
11 Saturday night, and so we are going to have a prayer
12 session, and then after that we think that we probably
13 will leave here around 9:30.
14 And I already know how many people from
15 NRC and -- staff and NRC contractors, so -- I already
16 know the number. What I would like to have is the
17 tribal leaders, tribal members, and tribal officials,
18 how many of you plan to participate in tomorrow's site
19 visit.
20 So if you can raise your hand also the
21 other agencies, like BLM, so please raise your hands,
22 and then Haimanot is going to help me count.
23 MS. YILMA: I have nine so far.
24 MODERATOR HSUEH: You have nine so far?
25 All right. Thank you. All right. Okay. All right.

1 Thank you.

2 MR. CLARK: Kevin?

3 MODERATOR HSUEH: Yes.

4 MR. CLARK: Where are we going to meet

5 tomorrow? Is it going to be here or in the other --

6 the board meeting room?

7 MODERATOR HSUEH: Oh, that's a good

8 question. I would propose tomorrow that we meet in

9 front of the hotel, because that's where the bus stops

10 -- or stays. So let's meet there.

11 And then, also tomorrow, Thursday, which

12 is also at the conference over there instead of here.

13 So we will meet there tomorrow at 9 o'clock over

14 there at the hotel.

15 Michael? All right.

16 MR. CATCHES ENEMY: Okay. Next on our

17 agenda is the proposed Crow Butte license renewal and

18 North Trend expansion area ISR projects with Nathan

19 Goodman.

20 MR. GOODMAN: We are going to spend a

21 little bit of time now focusing our efforts in on the

22 two Crow Butte projects that we have currently in

23 review, and those are the proposed license renewal of

24 the current operating facilities.

25 And some of you went on the site visit,

1 and so you got to see the sites, and you have -- now
2 you will be able to -- you know, this will be a review
3 for you. But for others, who didn't, so we will have
4 and show that.
5 Actually, can you go back one? Sorry.
6 I think all of you have met me now. My
7 name is Nathan, and I'm the project manager for the
8 environmental review of the two Crow Butte facilities
9 in-house. My goal is to briefly go over the proposed
10 project, including an overview of the archaeological
11 surveys completed by the applicant, and invite you to
12 share your concerns and/or provide additional
13 information for the NRC to consider in its review.
14 If you would like to discuss or provide
15 information pertaining to the cultural site and/or
16 sensitive information, NRC will ensure confidentiality
17 of this information according to NRC procedures and
18 processes.
19 This is a map of the two facilities we
20 have. It's pretty small, but the one to the southeast
21 is the current facility. The current license area is
22 one mile southeast of Crawford, Nebraska, and the
23 license area is 3,300 acres. And the proposed North
24 Trend expansion area is two miles north of Crawford,
25 and it's about 2,100 acres.

1

2 The NRC is currently reviewing
3 archaeological surveys submitted by the applicant as
4 part of the application for both the current facility
5 and the proposed North Trend expansion area. The
6 purpose of these surveys is to determine if there are
7 potential adverse impacts to the properties listed on
8 or eligible for listing on the National Registry of
9 Historic Places.
10 What the applicant provided is a starting
11 point for our review. We make an independent analysis
12 based on a lot of things, based on the survey
13 submitted by the applicant, based on information we
14 get here today, based on information that we gather,
15 and we come up with an independent analysis, and we
16 provide that in our report.
17 And so right now where we are is we are
18 going to review some of the information provided by
19 the applicant. Those are not our conclusions; that is
20 just our starting point. That is where we are right
21 now. And so we will make an independent analysis
22 based on a lot of information, and part of that
23 analysis is based on information that we get through
24 the Section 106 process, which is why we are all here.
25 For the Crow Butte operating facility, the

1 application for license renewal, architectural survey
2 submitted by the applicant, identified 72
3 archaeological and architectural sites. Of these 72,
4 zero were identified eligible for listing. And for
5 the proposed North Trend, the archaeological survey
6 submitted by the applicant identified six. And of
7 those six, zero were identified as eligible for
8 listing.
9 Yesterday at the site visit we did hear
10 the man say that there was one significant site
11 identified as a Homestead site when we went by it. We
12 will research that, in combination with surveys that
13 we got, in combination with our own independent
14 review, and comments we receive both from our experts
15 as well as from all of you and, again, come up with an
16 independent analysis.
17 So just because this slide says zero
18 doesn't mean that's our conclusion and that's our
19 starting point.
20 I just wanted to go over a little bit of
21 our Section 106 consultation process to date. In
22 August of 2010, the NRC consulted with SHPO. In
23 September of 2010, invitation letters were sent to 20
24 tribes for the proposed North Trend expansion area
25 site. In November of 2010, invitation letters were

1 sent to the 20 tribes for the proposed license renewal
2 sites, and we are here today in June for the
3 information-gathering.
4 And just in conclusion, all information
5 gathered today will help the NRC staff conduct an
6 independent analysis to determine whether traditional
7 cultural properties or additional archaeological sites
8 eligible for listing under the NRH requirement.
9 And that's all I have. I would be happy
10 to take any questions that you all may have.
11 MR. ROM: You said that for this new
12 facility that there are 72 sites identified?
13 MR. GOODMAN: In the survey that we
14 received from the applicant, that's correct.
15 MR. ROM: That's not what -- that's not
16 what is in what was sent out to the tribes, not in the
17 materials -- what was sent out.
18 MR. GOODMAN: Do you have a different
19 number?
20 MR. ROM: A lot less, like 12 or less.
21 MR. GOODMAN: I can -- I can go over with
22 you afterwards --
23 MR. ROM: What was sent out to the tribes
24 was done in 1980, a survey done in early 1980. Okay.
25 So there's not 72 sites.

1 MR. GOODMAN: I can go over with you the
2 survey in a little bit of detail as to how they got
3 some of the sites that you see that were given
4 specific reviews from the 72. I'd be happy to do
5 that.
6 MR. ROM: Okay. I don't know, Wilmer, do
7 you want to talk about these things now, or do you
8 want to give them a letter later with some details, or
9 what would you think is appropriate? About the
10 reports for this project.
11 Wilmer would like to I think write a
12 letter or something more official, formal, later --
13 MR. GOODMAN: Okay.
14 MR. ROM: -- about these two projects.
15 MR. GOODMAN: The statement was that the
16 Oglala Sioux Tribe would like to submit a more formal
17 letter later on in their discussion and concerns with
18 the survey submitted by the applicant. Did I get that
19 correct?
20 MR. ROM: Yes, that -- can you look at
21 this report that I haven't seen? It's the same report
22 that you are talking about or -- it's just -- and
23 there is even pages that are missing from that one, so
24 -- there's two reports there. One is for the
25 expansion, and one is for the -

1 MR. GOODMAN: He has handed me a Crow
2 Butte Resources North Trend Expansion Area Class 3
3 Cultural Resource Inventory. And I think he has also
4 stapled to it the license renewal cultural report that
5 we sent the tribes in the mail. Is that correct? And
6 he would like me to look at it and say where I got the
7 number 72 from.
8 MR. ROM: So that is a correct report that
9 you are referring to.
10 MR. GOODMAN: Again, I haven't had the
11 time to actually look through and make sure, but it
12 seems very similar, and, yes, I would believe it is
13 the same report, yes. It does look the same.
14 The question was, was that report
15 redacted, and, yes, the version of the cultural
16 surveys that you received were redacted versions,
17 according to regulations provided to us by the SHPO.
18 MR. ROM: But tribes have a right to that
19 information under the Section 106 review process. So
20 this is the THPO's office. They need to have their
21 complete reports.
22 MR. GOODMAN: Right. And I'm not -- I'm
23 not very familiar with how the -- how the process
24 works, but at some point I believe that we will -- we
25 -- to receive the non-redacted version, for a tribe to

1 receive the non-redacted version, we would have to go
2 through the State Historic Preservation Office to
3 ensure their permission and to understand -- let them
4 know that we are sending it out. I believe that that
5 is the case.
6 MR. ROM: Well, I don't think that's the
7 way it works under the regulations, because the tribe
8 can't comment until they have the complete documents.
9 MR. KLUKAN: This is Brett Klukan. To
10 complete their statement, the point is, what we sent
11 to you was essentially a starting point. That doesn't
12 mean that it's entirely accurate to all of this
13 information from the tribes. It's just that that's
14 what we had available up on our website and through
15 our public documents system.
16 We are more than willing to work with the
17 tribes to get you that information through secure
18 channels, so that you can review it. The intent is
19 not to withhold it from you; the intent is that what
20 we sent you was just our public release.
21 But, again, that is not to say that you
22 specifically, in your tribal rights consultation under
23 Section 106, having the need for this information,
24 that you wouldn't have access to it. It's just that
25 this particular version of the document had bad

1 information, and we are willing to work with tribes to
2 make sure that you have that information, so that you
3 can fully comment on the Section 106 process.
4 MS. JEHLE: And I think that Paige might
5 be able to add something.
6 MS. OLSON: Oh. You know, we -- I would
7 encourage that NRH provide complete copies of all of
8 the surveys to the tribes, because that's the only way
9 they are going to know that they are looking at and
10 comment on. And the information is protected under
11 Section 304 of the National Historic Preservation Act,
12 and then it is also protected under our state law. So
13 I would encourage your agency to provide it to any of
14 the tribes that need it.
15 MR. KLUKAN: So what I would suggest is
16 that at this point, for any tribe leader that has
17 information to contact -- speak with me before the
18 close of this meeting, and then we can set up how we
19 can get that information.
20 MR. GOODMAN: And I understand that Oglala
21 is one tribe that would like to set up and get this
22 complete.
23 MS. JEHLE: They have.
24 MR. GOODMAN: Our decision is based on a
25 number of factors, and, you know, they consist of the

1 applicant's survey, they consist of tribal
2 consultation, they consist of our own independent
3 analysis with our own expert archaeologists, and
4 consultation of other state and federal agencies, the
5 SHPO office. A whole number of things go into our
6 determination of that.
7 The NRC determination, though, is we will
8 include -- we will incorporate the analysis and
9 information we get from it.
10 MR. KLUKAN: I apologize for interrupting,
11 but -- this is Brett Klukan again. Under the Section
12 106 regulations, I mean, we are required to consult
13 with tribes regarding the identification of historic
14 properties. And so what this information is is simply
15 what the applicant prepared, its own thinking
16 regarding what it thinks is eligible based on the
17 National Registry. That's not to say that's our
18 thinking as Nathan pointed out.
19 Once we gather the information that we
20 think is necessary, just the information-gathering is
21 huge, we will go back to the tribes and say, "Here is
22 what we have collected, and here is what we think.
23 What do you think?" And then, we will move on from
24 there. So that's how we see the process proceeding,
25 in accordance with the regulations on Chapter 36 CFR.

1 MS. OLSON: How do you anticipate the
2 identification of traditional cultural properties for
3 the Dewey-Burdock project specifically?
4 MR. GOODMAN: I think we are going to
5 answer the Dewey-Burdock questions when we get into
6 the Dewey-Burdock --
7 MS. OLSON: Okay.
8 MR. GOODMAN: -- if that's okay with you.
9 MS. OLSON: Yes.
10 MR. GOODMAN: Okay, great.
11 MR. ROM: That question applies to the
12 Crow Butte ones, too.
13 MR. GOODMAN: How are we going to
14 determine the location of traditional cultural
15 properties?
16 MR. ROM: Or gathering areas or spiritual
17 sites or --
18 MR. GOODMAN: The very same way that sort
19 of Brett and I have been talking about. We are going
20 to continue to gather information from a whole lot of
21 different sources, and the information we get from the
22 tribes is a part of that. And so information provided
23 by the tribes as to the location and necessity of
24 needing to do a survey, that is all included and will
25 all be included in our analysis.

1 And as Brett said, we are not -- we are
2 not stopping tribal consultation here. This is just
3 -- this is just the first step in the whole 106
4 process.
5 MR. CATCHES ENEMY: This is Michael
6 Catches Enemy. Will NRC be able to fund something
7 like that if the tribe wanted to do a traditional
8 cultural property survey?
9 MR. GOODMAN: There is no standard policy
10 by the NRC on funding right now. However, in the past
11 reviews NRC has not -- for the Crow Butte project has
12 not provided funding.
13 MR. KLUKAN: I'll phrase it this way, to
14 add on to what has been said. Under the regulations,
15 we are required to determine what is reasonable under
16 the circumstances, given the import of potential sites
17 involved, the cultural properties involved. And I
18 think the NRC's case at this point is while we can't
19 say specifically how much we can fund, we can approve
20 a project.
21 And we'll do whatever is necessary to in
22 good faith fulfill our Section 106 obligation and
23 figure out how things get paid down the road. But we
24 are going to do whatever it is that is necessary to do
25 that.

1 MR. CATCHES ENEMY: Yes. And under that
2 Section 106 to, you know, properly and respectfully --
3 in a respectful manner to tribes, it seemed like this
4 would be one of the biggest, you know, things to allow
5 the tribes to feel like they have a stake in what the
6 history and the area is about. Besides the
7 archaeologists, they might not have gotten any
8 information from the tribal side of it. He's doing
9 his job to be an archaeologist. That's -- that goes
10 only so far, but the tribes can provide so much more
11 information on the history and the personal ties to
12 that.
13 MR. GOODMAN: We certainly acknowledge the
14 tribal expertise. And as Brett said, you know, we
15 can't -- we can't -- those haven't happened yet, but
16 we will fulfill the 106. And if that doesn't include
17 the surveys, then we will.
18 MR. VANCE: Steve Vance from the Cheyenne
19 River. When the archaeological surveys that were
20 done, when was that last one?
21 MR. GOODMAN: For which project are you
22 referring to?
23 MR. VANCE: The Crow Butte.
24 MR. GOODMAN: Which -- expansion or the
25 current facility?

1 MR. VANCE: The one we were at yesterday.

2 MR. GOODMAN: We were at both yesterday,

3 sorry.

4 MR. VANCE: Well, the Crow Butte.

5 MR. GOODMAN: Okay. I will just answer

6 for both. The North Trend expansion survey I believe

7 was done in the mid-2000s, like the 2004 to 2006 --

8 MR. VANCE: 2007?

9 MR. GOODMAN: -- timeframe, but not

10 entirely 2007. And the license renewal was done much

11 before that in the '80s.

12 MR. VANCE: Okay. And, of course, we all

13 know about -- every day something becomes exposed to

14 erosion and whatever else. I think that's a concern

15 for the tribes about, you know, as far as being

16 involved in that survey. And we come across this all

17 the time. We come across archaeologists going in and

18 identifying sites or historical property, and then

19 tribal monitors or surveys going in next and

20 identifying -- and I don't believe that was all for

21 that time period.

22 I think what should happen is another

23 survey being done with the help of the tribes on the

24 ground, so they are there actually. And now is a hard

25 time to do that, because the visibility right now is

1 very limited because of the grass being three feet
2 tall in some places.
3 And that's why we tried to get out to a
4 lot of these site visits earlier in the year when
5 visibility was more successful for what we are going
6 to, you know, comment on. Right now the grass is
7 tall. It's hard to see or anything, really.
8 But I think that's what should be offered
9 before this is that another survey be done, updated,
10 allowing the tribe to identify and evaluate, because
11 right now, as was stated yesterday, tribes really are
12 more interested home sites -
13 MR. GOODMAN: Right.
14 MR. VANCE: -- although they were
15 basically in the 1800s or --
16 MR. GOODMAN: Right.
17 MR. VANCE: -- what we're looking at is
18 really beyond that.
19 MR. GOODMAN: Right.
20 MR. VANCE: Hundreds and thousands of
21 years ago.
22 MR. GOODMAN: And speaking with you on the
23 bus, I got that same --
24 MR. VANCE: Okay. So that's kind of what
25 I'd like to see brought forward again -- another

1 survey be done, updated, with the input of the tribe.
2 Then, we can determine what's historical or not, and
3 as he said again that becomes a burden on the
4 financial side with the limited, you know, sources of
5 funding.
6 And most of these sites that we've been
7 going back into that haven't been offered at the
8 beginning, neither the applicant or the agency would
9 come to, you know, and that makes our determination to
10 go here or there easier, because this we can afford.
11 That's why a lot of us are here.
12 MR. GOODMAN: Right.
13 MR. VANCE: Because there's reimbursement
14 in it.
15 MR. GOODMAN: Right.
16 MR. VANCE: And that is -- it comes down
17 to a big issue. There should be something made
18 available to try to come to. They're just making
19 outrageous amounts of money, and yet we are here
20 looking at, you know, historical protections of sites
21 and properties. That all comes back into the final
22 figure too.
23 MR. GOODMAN: Thank you very much. I think
24 there was a hand up. Bryce?
25 MR. IN THE WOODS: It was sort of this

1 consultation is -- through the statutes requiring
2 consultation government-wide, American Indian
3 Religious Freedom Act, the Archaeological Resource
4 Protection Act, and National Historic Preservation
5 Act, and also the Native American Graves Protection
6 and Repatriation Act.
7 And regulations require consultation
8 government-wide. The National Environmental Policy
9 Act and maybe some executive orders as far as its
10 constitutional policy. NRC doesn't really have any
11 policy for government to government consultation. And
12 there is a situation in treaty territory that involves
13 Nichols Ranch. BLM has mineral rights for gas, but
14 it's hard rock, so NRC has the permit on the uranium.
15 But the company, when we were on the
16 ground, we wanted to do a TCP survey, and we were told
17 no. But then, after further discussion, and after a
18 couple of weeks went by, we're trying to work right
19 now with the Bureau of Land Management recently, we
20 developed a consultation policy, so that if we hear
21 some concerns here verbally, but there's nothing black
22 or white yet as a formal policy we can come to some
23 kind of an agreement on or understanding.
24 And given Nichols Ranch has a private
25 owner is giving the okay for us to go in there and

1 enter a unit. They have -- a private owner has both
2 units, and the energy company said they already did
3 their radiological survey, and with a 700-and-some-
4 page environmental impact statement.
5 But we still need to do that TCP survey.
6 That's what you heard. But using that as an example,
7 we are hoping they will go in there and do that TCP
8 survey and get those rights.
9 And no matter how it comes to be, our
10 attorney is not sitting with us. And I'm hoping some
11 day that we will get to that plant, and we really can
12 discuss government-to-government policy with the NRC,
13 because there's kind of a catch-22 here using that
14 example of BLM having minerals, but NRC having that
15 permit.
16 So it sounds like there might have to be
17 an interagency type of agreement between the NRC and
18 BLM, and there is a draft MOA with that that we
19 reviewed, but, still, we didn't call it consultation,
20 because the other parties were -- government officials
21 weren't involved in that negotiation.
22 But we are still -- NRC is moving forward
23 with that, and we'd like to some day see all of that
24 -- that government to government -- and you heard
25 nation to nation.

1 Now, with President Obama, I think he
2 upgraded some Executive Order on our regulations and
3 review for all the federal agencies in which the way
4 you permit the companies to extract, it's all up to
5 NRC to develop maybe some more meaningful and in the
6 permitting process itself, you know, whereas before,
7 like when I mentioned that the door was closed on
8 tribal nations, our concern is they are almost there,
9 we were never at the table.
10 Now, we are at the table, and we still
11 don't have that policy. You know, we are still
12 looking at working on MOAs. There has to be some
13 policy that has to do with creeks. And the NRC has a
14 lot of weight, I would say, in the permitting process
15 that you guys need to look at, and how you issue your
16 permit.
17 And I'm hoping that once there's
18 government -- tribal government officials that we can
19 express our concerns and recommendations in that
20 process, because we have senators and representatives
21 that represent their states, maybe negatively or
22 positively, but still pressing their issues on NRC.
23 And maybe not -- maybe not for the benefit of all of
24 the constituents in their states either, you know.
25 So there's a lot of variables that make up

1 what is happening today, but because -- because it
2 comes into chief territory, you know, and we want to
3 be just as influential as any senator or
4 representative from the U.S. Congress. You know, some
5 of them actually wish that some federal agencies would
6 disappear, you know? I mean, that's the mind set of
7 some elected officials.
8 But as long as you get to the consultation
9 part, there is other regulations that constitute
10 government-wide consultation. I just wanted to point
11 that out.
12 MR. GOODMAN: Yes. One just sort of
13 follow up because you brought up Nichols Branch, I'm
14 not the Nichols Ranch project manager, so I'm not
15 going to speak in detail. But I do know they are much
16 further along in the process than I am with Crow
17 Butte. And so I encourage you, because we are early
18 on in the Crow Butte 106 consultation process to
19 continue to communicate with me and continue to bring
20 up your concerns, and we will make sure and satisfy
21 our 106 consultation for the Crow Butte facilities.
22 MR. VANCE: Steve Vance from Cheyenne
23 River. You know, actually, you are probably at about
24 the same stage as we are with Nichols Ranch, because
25 when it comes to the consultation part of tribal

1 input, they had a webinar teleconference last week,
2 and Cheyenne River was the only tribe on that
3 conference call.
4 Other tribes, you know, they were on
5 travel, they couldn't make the meeting, so I voiced
6 that issue, that it wasn't government to government,
7 because we were only represented by one tribe at the
8 table, which is unfair, you know. You know, looking
9 around here, we've got pretty good representation
10 today, but there are times when the meetings set up --
11 and they went ahead with their MOA.
12 They went ahead and started doing a draft
13 MOA. You know, and I stayed in there with them and
14 made comments on the MOA, but we still never finished
15 step one and we're going into step three. So where
16 you're at is like at the same place. From the tribes
17 anyway, there was a lot of people not at the table.
18 And that was a letter that Curly wrote,
19 Curly Youpee from Fort Peck wrote that, but, you know,
20 horse feeding way of doing something was rushing the
21 tribe into making these decisions. And that's why I
22 say, you know, you are supposed to take full interest
23 in the tribe in consultation. You know, the interest
24 of the tribe is what has to be personally.
25 And as we talked with Gary, he heard from,

1 you know, people and stuff like that, when you talk
2 about the Lakota, you know, or the Sioux, whether it
3 be Cheyenne River Sioux Tribe or Oglala Sioux Tribe,
4 you know, Standing Rock Sioux Tribe, all that comes
5 down to, again, as was stated earlier, document of
6 nation-to-nation or government-to-government treaties
7 in the Great Sioux Nation.
8 So when I come to the table here, I am
9 representing the Cheyenne River Sioux Tribe, but I
10 cannot ignore the other six bands of that nation. And
11 so when we sat here -- or we sit here at the table and
12 we talk about this, that's government to government,
13 that level, that there is more representation from
14 tribal groups.
15 But with our webinar with the Nichols
16 Ranch, Cheyenne River was the only one there, and I
17 told them, I said, "We're opposing this, because
18 everybody is not at the table." So we put that on
19 record, that we felt that this was a thing that needed
20 to be -- step back and say, "Okay. When all parties
21 are involved, then we'll move forward." But they went
22 ahead and moved forward without all parties.
23 So here we've got all parties here, and,
24 you know, so you are basically, you know, at the same
25 level as that consultation process is with Nichols

1 Ranch, too.

2 MR. GOODMAN: I was more referring to sort

3 of the whole environmental review process, but thank

4 you very much for that clarification on that.

5 Am I missing -- yes, please.

6 MR. WHITTED: Yes. When tribes are asked

7 to comment on projects, and to let you know what sites

8 that are important to them, it's very hard for them to

9 do that many times, because we haven't had access to

10 these areas for over 150 years. There's areas that

11 we've heard about, but we don't actually know what's

12 there until we get out there and actually have a

13 presence.

14 And one way to do this is through the TCP

15 surveys where the tribes are involved, not just one

16 tribe usually, but several tribes involved, send

17 people out there that are capable of identifying

18 culturally sensitive sites to tribal people.

19 It works well that way. We just recently

20 got on -- we were on a project up in North Dakota.

21 There was six tribes involved in that one. It was a

22 wind farm. They did an arc survey on that project,

23 not quite 900 acres. They reported four stone

24 features on that site.

25 And we were very familiar with that area

1 and knew very well that there was a lot more there.
2 We requested a TCP survey, went out there, and the
3 tribal people in that crew identified over 2,000 stone
4 features, and they only reported four.
5 So that tells you the difference, the view
6 of the archaeologist and the view of the tribal --
7 from the tribal perspective. That's why it is
8 important that we have people in the field that can
9 make these calls, because we know what is there and
10 what is related to tribal importance.
11 So that just goes to speak for -- and I
12 think it is really important that the tribes be
13 allowed to do TCP surveys on this project down here,
14 as well as the Dewey-Burdock project, where we know
15 there is a lot sites. Good argument there. And once
16 we have that information and identify sites to be
17 avoided, they can possibly be avoided. Not a place
18 that we want to put one of these operations, because
19 there are so many sites there.
20 MR. GOODMAN: Thank you very much for your
21 comment.
22 Am I missing anybody?
23 MR. CLOUTHIER: You mentioned good faith
24 Section 106 process, and I'm curious that if the
25 tribes do request a TCP study, and the NRC doesn't

1 fund it, or the client through applicant doesn't fund
2 it, is that going to be considered good faith? If the
3 tribes are requesting one thing and you guys decide
4 not to go through with it or won't fund that study,
5 will that be considered good faith negotiations?
6 MR. KLUKAN: Well, the point here is is
7 what these, I think, regulations are used for. What
8 are the potential sites involved? And then, the NRC
9 is going to look at this in the context of what new
10 information -- the technical information we receive
11 today to make the determination of what is necessary
12 to move forward with the identification of these sort
13 of properties.
14 And, granted, I am simply an attorney, so
15 I don't have the technical expertise to actually
16 answer that question. I can't tell you what the staff
17 is going to determine is necessary.
18 But what I can say is that we won't
19 approve the project until the undertaking -- this is
20 what we are legally bound by -- until we have
21 completed Section 106. And we will do whatever is
22 necessary under Section 106 or under the regulations
23 in order to satisfy our obligation under 106.
24 Not to sound like a broken record again,
25 but I can't speak to the specifics, because I'm not an

1 archaeologist, I'm not familiar with this. I'm just
2 an attorney. And so I don't have the expertise to
3 answer those type of questions for you right now. And
4 I don't know if we've gathered all the information we
5 need yet in order to figure out what is necessary
6 either. That's up to the staff.
7 But with regards to funding, I mean, what
8 I would say at this point is that we will do
9 regardless -- we will do what is necessary in order to
10 comply with Section 106, and then that -- that's what
11 the bottom line is at this point. And then, we won't
12 issue a license until we have done it. But I can't
13 tell you what is necessary at this point, or what kind
14 of work we need to do, because that's -- again, I'm
15 just an attorney.
16 Moreover, I don't think we have the
17 information necessary right now in order to make that.
18 We have to go back, think about it, figure out what
19 else we need to make that decision and what else we
20 need to do, and then make it.
21 MR. GOODMAN: And to sort of follow up, we
22 do not have all that information collected yet to make
23 that determination as to what is a site. Yes?
24 MS. BIG CROW: Since we're gathering
25 information, I guess I might as well put mine out

1 there. As a tribe and through this area, we were --
2 it's kind of a big race track, I guess you would call
3 it, around Black Hills. And what we did was at
4 certain points of the year, we have to be at certain
5 points in order to gather our medicines, we have to be
6 at certain points in order to get our lodge pulls,
7 because like in May, that is when the pulls are the
8 lightest, so we have to be there at that time.
9 There were times where we had to also go
10 to pick up our paints and stuff at certain times of
11 the year. Help me out, Wilmer. And so that's going
12 to be my information to this, because -- and we have
13 be in the Black Hills for our ceremonies, and then
14 come back around the fall and the hunting ground part
15 of it and stand, and do our hides and the tepees.
16 And so that's why it's so important for the tribes.
17 MR. GOODMAN: Anything else?
18 Okay. Again, I want to just stress that
19 at the beginning of the presentation it had my name
20 and contact information, phone number, e-mail. And
21 please don't hesitate to use it. Don't hesitate to
22 call. Don't hesitate to send me an e-mail. I'm
23 really glad to be here, and I'm really glad that you
24 all are here.
25 And I understand that this is a starting

1 point. This is one of our earlier steps, and I want
2 communication with the tribes to continue. And I like
3 the fact that we are all here, and I'm really
4 encouraged by that. But let's not stop here. Make
5 sure that I continue to communicate with you guys and
6 that you guys continue to communicate with me, and
7 let's continue to keep this consultation process
8 going.
9 MR. YELLOW THUNDER: This is Dennis Yellow
10 Thunder from Natural Resources Registry Agency. And I
11 guess my question is regarding to the site we visited
12 yesterday. We spoke yesterday -- or they spoke
13 yesterday about the output of the amount of uranium
14 they say that they are mining there.
15 Now, is that sufficient for your needs in
16 generating the power that you say you guys generate?
17 Is that a sufficient mine? I mean, is that amount of
18 uranium that is being recovered that, is that a
19 sufficient amount? And what justified an expansion?
20 Isn't enough uranium being produced there to meet the
21 needs? And why would you want to expand an area if
22 there is enough uranium being mined there? Or is
23 there not enough? Is it being depleted? Is it being
24 used up? Or is it just -- what is your intention? I
25 mean, why is it -- would you want to expand a mine's

1 unit to build more?

2 MR. GOODMAN: That's a great question.

3 I'm going to answer, and then an attorney is probably

4 going to follow up. But we are a regulatory agency,

5 and so we don't -- we don't say we need X amount of

6 uranium. We just regulate the applications that we

7 get in our review. We stay completely neutral on the

8 matter. We are neither for nor against it.

9 MR. YELLOW THUNDER: Because -- well, that

10 was just basically what I was sitting here wondering

11 about, you know, and is it the quality of the uranium

12 that is being recovered there, that it's not

13 sufficient? Or is it the amount, that it's not

14 enough? Or what -- you know, you as the -- yours is a

15 regulatory commission, right? So you basically have

16 the last word on whether or not we can expand to the

17 North Trend or not. I mean, so --

18 MR. FESKO: Can I --

19 MR. GOODMAN: Sure.

20 MR. FESKO: I'm Greg Fesko with the BLM.

21 I guess in the United States we have nuclear reactors.

22 They use about 45 million pounds a year, and we

23 produce about four and a half million pounds within

24 the United States. And so the balance is imported

25 from Canada and from the USSR.

1 MR. KLUKAN: Russia.

2 MR. FESKO: Russia.

3 MR. KLUKAN: We don't call it that.

4 (Laughter.)

5 MR. VON TILL: Let's just be clear. The
6 NRC is an independent regulatory agency. Department
7 of Energy looks at energy needs and things like that.
8 Our job -- we don't get into whether there is a need
9 for more energy or anything like that. What our job
10 is is to review the application of this mill site and
11 make sure it's safe, protective of the worker,
12 protective of the public and the environment, and
13 that's it. That's our job.

14 We don't get into any aspect of whether
15 there is a need for the expansion or anything like
16 that, so I just want to be clear about that. We are
17 only looking at the safety of the facility. So we
18 don't do an evaluation of whether they need an
19 expansion here, an expansion there, whether the needs
20 of the earth or the people of the world need that
21 expansion for energy. We don't do that at all. We
22 just look at the safety of the facility, and that's
23 the only part that we have with that. Just so --

24 MR. YELLOW THUNDER: Who makes that
25 determination of whether you need to expand or not?

1 MR. VON TILL: Nobody.

2 MR. YELLOW THUNDER: Crow Butte

3 themselves?

4 MR. VON TILL: The industry does, because

5 some of the uranium is used here in the country, and

6 some of it is not. Some of it is used in Canada.

7 There is no prohibition against a foreign company, you

8 know, operating. As long as they have an export

9 license, they can export it out. So we don't evaluate

10 that aspect. What we do is evaluate the safety and

11 health and environmental aspects of this.

12 So I just want to be clear as to the

13 limitations of what we do and what we don't do.

14 MR. VANCE: I've got a question from

15 yesterday. Okay. I thought we had kind of mentioned

16 yesterday that -- after, you know, we had come back

17 from the site, but I guess for the record I would like

18 to hear that comment from NRC as to the project with

19 Crow Butte.

20 Basically, all we did is we drove around

21 pretty much, you know, as a site visit. I was

22 prepared to get out and walk the ground, but, you

23 know, it's pretty dusty and everything, couldn't

24 really, you know, question that, too. But then there

25 are talks about the environmental part of all of the

1 area, you know, with the dust and everything blowing
2 around in that area. It's kind of -- you know, those
3 of you who are out there probably didn't notice it,
4 but it was really behind us. And there was times
5 where we had to go way back just to see the bus in
6 front of us.
7 So, again, there's, you know, the question
8 - I had asked a question on that driving around the
9 perimeter of that -- that there was still digging
10 activity there. And if the permit -- this is a
11 renewal, which would mean the permit expired.
12 Just for the record, I would like to make
13 that comment as to why they allowed to continue
14 digging today when the permit was expired.
15 MR. KLUKAN: I'll take a shot at it if you
16 want me to. The answer to that is, under the NRC's
17 regulations, if an applicant submits -- or a licensee
18 submits a renewal prior to the -- and this is for
19 certain licenses. For the -- prior to the expiration
20 of their license, they will be allowed to continue
21 operation under the previous version of their license,
22 which for Crow Butte has now expired, while the NRC
23 reviews their renewal application.
24 Assuming that the NRC were to deny that
25 renewal application, their license would have to --

1 they would have to stop operations and enter that
2 information in. But for that pendency, they are
3 allowed to continue operations under the terms and
4 conditions of their prior license. It doesn't mean
5 that they can do whatever they want. It means that
6 the license is essentially extended for the pendency
7 of the NRC's review of their renewal application.
8 But one thing I would point out -- and
9 this is different from power reactors -- is that under
10 Part 40 renewal applications are treated exactly as
11 new applications, meaning that we review them exactly
12 as we would an entirely new application under Part 40.
13 So there is nothing -- whereas in reactors we are
14 locked out of as part of the -- we don't go back and
15 look at -- we go back and look at everything again, as
16 if it were an entirely new application.
17 Just to point that out for the record,
18 because that is one of the new things about Part 40
19 for source material licenses, which is the type of
20 license that we issue for this type of facility, for
21 both renewal and North Trend expansion area.
22 MR. VANCE: So like yesterday -- the
23 activity we saw yesterday was laying pipeline. And so
24 under those conditions, while they have an application
25 in, they could continue at what level? Can they go

1 beyond -- I mean, my concern was the digging, because
2 on Cheyenne River we require all ground-disturbing
3 activity to be monitored by a traditional or a tribal
4 monitor.
5 So when the ground is being turned, they
6 can identify what is coming up out of it, and then the
7 operator who is running that backhoe or, you know,
8 ditch-witch or whatever, you know, equipment he is
9 using, he is an operator. He don't know if he is
10 turning over pottery or bones or -- you know, if it
11 would be a buffalo bone or a cow bone. He don't know.
12 He is just digging. That's his job.
13 But on Cheyenne River we require all
14 contractors to have on-the-job -- hired by the
15 contractor, hired tribal monitors to observe all
16 ground-disturbing activities. That's what, you know,
17 brought my attention to -- well, if you guys have an
18 expired permit, anyway, you asked me that question.
19 But, again, how much activity can they actually be
20 doing out there, besides -- like pipeline was
21 yesterday, maybe today they are drilling.
22 MR. KLUKAN: The answer to that would be
23 is under the license they are allowed to build so many
24 well fields. You see those -- the wells out there,
25 and when they start up the application they don't

1 build all of them at once. It's not where we actually
2 need a complete reactor in place before you can
3 operate it, and then go and inspect it.
4 They can build them in series or staggered
5 series, meaning we are going to build well field one,
6 and then move on to two, and then move on to three,
7 and then we will go back and decommission one, and
8 then build four, five, six.
9 So what you see construction there is
10 construction that was authorized under the license as
11 it currently exists. Were they to build, or want to
12 build, new well fields that go beyond what was
13 analyzed in their license as it exists right now, they
14 would need to come in with an amendment.
15 And that is why we have North Trend or why
16 we have a proceeding ongoing for the North Trend
17 amendment or why they need an amendment, because that
18 is construction that wasn't contemplated within the
19 scope of the original license application, or as with
20 -- not in your license application, within the license
21 as last approved in their last renewal cycle.
22 MR. GOODMAN: I believe this gentleman has
23 had his hand up for quite some time, so I want to --
24 The question is, is it going to do us -- and by "us"
25 you're saying is it going to do the tribe any good in

1 the future?

2 MR. RED CLOUD: Yes.

3 MR. GOODMAN: The answer to that question

4 is, I don't know, but that's not a purpose of the NRC.

5 Our purpose is to regulate.

6 MR. GOODMAN: What's that?

7 MR. RED CLOUD: Where are you going to

8 gather them?

9 MR. KLUKAN: Do you mean this particular

10 meeting or the actual project?

11 MR. GOODMAN: What are the tribes going to

12 get out of the Crow Butte site?

13 MR. RED CLOUD: What do we get out of it?

14 MR. GOODMAN: Again, I don't -- I cannot

15 give you a detailed answer to that question, but that

16 is also not part of our review or process.

17 PARTICIPANT: We are literally the

18 children of great dreams, Red Cloud, Sitting Bull. We

19 are the living artifacts, so in our time, you all

20 sitting here couldn't comprehend. The Black Hills

21 still belong to our people. So to us you have no

22 purpose, no right, to be here. And my grandfather

23 claimed 10,000 acres, and me, as a grandmother, I

24 would fight to stop that. It's not going to happen.

25 But we are living artifacts.

1 MR. GOODMAN: Okay. Thank you very much.
2 PARTICIPANT: That's all I have to say.
3 MR. GOODMAN: Thank you. Yes.
4 MS. ANTOINE: I'm Paula Antoine from the
5 Oglala Sioux Tribe. My question is, you know, it says
6 tribal consultation but in your presentation, you are
7 just asking us how to determine if there are any
8 culturally significant rights that cam be put on the
9 National Registry? So what about anything else that
10 has happened? What about anything that culturally or
11 spiritual or any other significance to any -- to our
12 tribes that is not eligible to be on the national
13 registry? Will that be ignored? And what are our
14 comments going to do? If you are just a regulatory
15 agency, how are our comments going to affect what is
16 happening?
17 MR. GOODMAN: Your comments here today
18 provide us information for our Section 106
19 consultation process. And the NRC approves or denies
20 the application that the applicant has submitted, and
21 part of our process, our review, is to satisfy and
22 fulfill the Section 106 process. And part of that
23 process is getting input from tribes in a facility
24 like that.
25 MS. ANTOINE: What are you going to do

1 with it?

2 MR. GOODMAN: We are going to use it to

3 help generate an independent analysis and conclusion.

4 And if our analysis and conclusion is that we need

5 more information from the tribes, then we are going to

6 continue to interact, and we are going to continue to

7 involve you in every step of the process.

8 MS. WHITE PLUM: Excuse me. You didn't

9 answer the question. She asked you -- there are

10 places there that did not fit the criteria to be

11 placed on the National Historic -- National Registry

12 of Historic Places. What happens then? You didn't

13 answer her question.

14 MR. GOODMAN: We do our own independent

15 analysis of all of those sites, all of them, not just

16 the ones that -- the applicant has submitted that

17 cultural survey and that information. That is our

18 starting point. That's not our own independent

19 analysis, and that's not our own independent review.

20 And so we will look at the potential impacts to all of

21 those sites that you are talking about. Yes, we will

22 do that.

23 MS. WHITE PLUM: So you will make that

24 decision, then. The NRC will make that decision.

25 MR. GOODMAN: Not me personally, because I

1 am not an expert.

2 MS. WHITE PLUM: By "you" I mean the NRC

3 will make the decision.

4 MR. GOODMAN: That is correct.

5 MS. OLSON: So just -- Paige Olson. Just

6 to clarify, this is -- I guess I have a question,

7 probably for one of the attorneys. In terms of how

8 this process works when you are using 800.8 of the

9 regulations, just because it -- the National Historic

10 Preservation Act is very specific in what a historical

11 property is.

12 NEPA allows for a broader use of cultural

13 resources in terms of things that are intangible. How

14 does that work on this type of process? When you are

15 using 800.8, are you -- are you able to also sort of

16 use this more kind of intangible.

17 MR. KLUKAN: Generally speaking, yes.

18 MS. OLSON: Okay.

19 MR. KLUKAN: So that was going to be one

20 of the things I point out. NEPA and the National

21 Environmental Policy Act, their outcomes are different

22 from what -- the outcomes that -- at NHPA or the

23 National Historic Preservation Act are.

24 But we do also -- and the other point of

25 this is is not all of the information you give us

1 today is going to be used for NHPA purposes, but also
2 for our national environmental -- NEPA compliance as
3 well, for cultural impacts, what we generally call
4 cultural impacts, which as you point are a broader
5 range of things than what is covered under that.
6 So that's also, I think as we mentioned in
7 our letter inviting you here today. And when we
8 initially sent out to tribes -- consultation letters
9 -- that we were also asking for information under
10 NEPA, just broad cultural significance information.
11 And so that is one of the things we will look at as
12 part of our NEPA analysis is just broader cultural
13 impacts, which don't fall into the more rigid
14 definition of historic properties within the National
15 Historic Preservation Act. So that's to supplement
16 what Nathan said.
17 MR. GOODMAN: Thank you.
18 MR. KLUKAN: That's a good point.
19 MR. GOODMAN: When we -- when the NRC
20 approves an application, we are saying we are
21 approving it because we feel that it can operate
22 safely, yes.
23 PARTICIPANT: So the premise is that
24 nature can be controlled under certain conditions.
25 And aren't you guys creating opposition to anything

1 that is?

2 MR. GOODMAN: I understand.

3 PARTICIPANT: And aren't you -- that is
4 really at the crux of the problem and what people are
5 trying to say is that you have assumptions that nature
6 can be controlled. We see it all the time. We see it
7 -- like at one time there used to be bear country.
8 And now it's malignant. The ranchers have safety for
9 their cattle. We have wildlife management, we have
10 bans, we have all of these things which are the result
11 of attitudes that nature needs to be controlled. This
12 is totally a white-dominant society.

13 On the part of those who follow earth, we
14 believe that it is not only wrong but is hazardous to
15 all living things that nature needs to be controlled
16 or should be controlled. And we believe that it
17 wouldn't take a whole lot to upset the balance, and so
18 we see that in a lot of the nature here, that the
19 balance of earth is being disrupted continuously by
20 those who dominate.

21 And I think that's a major issue with
22 this. Therefore, it's hard for me to be neutral and
23 say, "Well, we don't represent the government. We
24 don't represent the corporations. And we don't -- you
25 know, we don't take their side, and we don't take your

1 side." But, in the end, you have to take a side.

2 MR. GOODMAN: Just to clarify one point.

3 We do represent the government. We are an independent

4 federal regulatory agency.

5 PARTICIPANT: Yes.

6 MR. GOODMAN: We do represent the

7 government.

8 PARTICIPANT: Well, yes, in that sense.

9 But I also heard you say, you know, that you're

10 independent.

11 MR. GOODMAN: That is correct.

12 PARTICIPANT: Okay. So as an independent

13 you don't -- so it's presumed that you are not

14 actually representing them, but you are

15 representing --

16 MR. GOODMAN: We do not represent the

17 applicants. We do not represent the utilities. That

18 is also correct, yes.

19 MR. KLUKAN: Independent refers to our

20 position in the executive department, and what that

21 means for our -- how our Commission operates, and what

22 laws it is required to comply with in terms of

23 Executive Orders and what not. That's what we mean by

24 "independent." We still represent the Federal

25 Government with regard to matters relating -- within

1 the scope of our jurisdiction. That's really all we
2 mean by that.
3 PARTICIPANT: And one of the other things
4 that I heard you say is, was that your biggest concern
5 was the water, but it also actually includes the air.
6 MR. GOODMAN: Thank you. Thank you for
7 your comment. I think we'll just go -- the question
8 is, do we look at the tribal mineral rights?
9 MR. VON TILL: We don't look at the
10 leasing arrangements or the mineral rights or anything
11 like that. The BLM, if it's on BLM land, would look
12 at that kind of aspect. But, again, that is not a
13 safety aspect of the review. That's separately done
14 between the industry and the people who own the land,
15 whether they have their operations, and who owns the
16 mining rights, the mineral rights, and so forth,
17 beneath that land. So we don't get involved in that.
18 Now, with the exception of BLM land or
19 Forest Service land, the U.S. Government does get
20 involved in some capacity there, if it was BLM land or
21 Forest Service land. But like the Crawford site that
22 we're talking about, there is no government land.
23 It's private land, and there's private mineral rights.
24 There is no Indian mineral rights there on Crawford,
25 so there is not an issue there.

1 But in the past, like the Navajo Nation,
2 there was some issue with some of that there in the
3 early '50s, and so forth. But we don't have that with
4 Crawford right now.
5 MR. ROM: Can I just clarify the question?
6 He is referring to the treaty, that they never gave
7 up the mineral rights. Basically, telling you that
8 these are not private mineral rights, they are not
9 government mineral rights, they are the tribe's
10 minerals. Is that correct?
11 MR. GOODMAN: Thank you.
12 MR. ROM: So, you know, NRC may believe
13 there is not an issue there, but I guess that's for
14 the attorneys and courts to figure out.
15 MR. KLUKAN: Well, our position is that we
16 don't really have the -- our jurisdiction is very
17 limited in terms of safety analysis, because they --
18 we would not be the people -- we don't have the
19 authority to make that decision, nor should we be the
20 people to make that decision for you.
21 That's a matter for the courts and for the
22 tribes themselves to determine through, you know,
23 mechanisms provided under our legal system. But we
24 are not -- we don't have the jurisdiction to tell you
25 what is your -- within your treaty and not within your

1 treaty. That far exceeds the bounds of our limited
2 safety jurisdiction.
3 MR. GOODMAN: Sorry. We will finish up,
4 and then we are going to go in the back, and then
5 Bryce, and then the gentleman with the hat, and then
6 you. I promise I will get to all four of you.
7 MS. WHITE PLUM: Well, I just want to say
8 that that's why this whole process is unfair, because
9 the attorneys are doing all the answering, and our
10 tribal attorneys are not here. There are several
11 bands here. Our attorneys aren't here.
12 As the plaintiffs, our attorneys aren't
13 here, so I think we should just not even deal with
14 what -- we don't want to litigate things in here. I
15 think whoever is running this meeting needs to move it
16 on to another comment or something, rather than having
17 the attorneys do all the talking. I'd just like to
18 say that much.
19 MR. GOODMAN: Thank you. As people have
20 their hands up, I would like to answer questions,
21 though. Finish your statement, I'm sorry.
22 MR. ROM: Well, this goes back to some
23 things before. Under NEPA, you are going to deal with
24 purpose and need for the projects, right?
25 MR. GOODMAN: That's correct.

1 MR. ROM: Okay. So you are not limited to
2 safety issues, because before someone was asking
3 about, do you evaluate the need for the project? And
4 you do that to some extent under NEPA.
5 MR. GOODMAN: In our environmental review,
6 we do, yes.
7 MR. ROM: And then, a lot of the other
8 things that are being brought up here will be somewhat
9 looked at under the environmental justice portion of
10 NEPA as well.
11 MR. GOODMAN: Again, you are correct, sir.
12 MR. ROM: Yes.
13 MR. GOODMAN: Yes, that's a great --
14 MR. ROM: So people should understand --
15 MR. GOODMAN: Thank you.
16 MR. ROM: -- that.
17 MR. GOODMAN: Did you understand Lance's
18 point? Under the National Environmental Policy Act,
19 the environmental review we do does incorporate
20 sections like environmental justice and impacts to
21 environmental justice. And all of that will be
22 incorporated in our review.
23 MR. ROM: You'd better explain what
24 environmental justice is, and then they will really
25 make a --

1 MS. WHITE PLUM: I think it would help,
2 too, if you'd clarify this information-gathering
3 session for the NRC with the national historic places
4 versus what is going to be covered and when will the
5 NEPA process begin, or is this part of it. See,
6 that's what is not clear here.
7 MR. GOODMAN: Okay. I will try to --
8 MS. WHITE PLUM: That's why we're getting
9 all of these questions from all of these --
10 MR. GOODMAN: I will try to answer your
11 question. We are here for both. We are here for both
12 Section 106 consultation, but we are also here to
13 gather information for our NEPA review. And so we are
14 -- we are doing both here today.
15 You also asked when -- did you ask when
16 the NEPA review will be complete? We don't have -- I
17 can't give you a confirmation answer on that
18 specifically. However, we are currently in the
19 process of writing our environmental document. So
20 that is our ongoing process.
21 Yes, please.
22 PARTICIPANT: I had a question on
23 information provided. The information that was
24 provided to us about these projects, is that coming
25 directly from the application? How was it selected to

1 be presented? Is this the entire information from the
2 application? Or is this just selected portions that
3 you wanted us to see.
4 MR. GOODMAN: That is an excellent
5 question. The information that you have in the
6 slides, specific to the ones that I gave, was
7 information we received from the application.
8 Now, as part of the application, they are
9 required -- the NRC requires them to submit a cultural
10 survey, and so a lot of the information that you
11 received was from that cultural survey. So, yes, as
12 for your question of, is that what I want you to
13 see --
14 PARTICIPANT: Yes, is it --
15 MR. GOODMAN: -- the application --
16 PARTICIPANT: Did you show us the entire
17 application, or are you just showing us portions or
18 highlights of the application?
19 MR. GOODMAN: I wanted to give an
20 overview, a sort of Cliff Notes version. So I did
21 provide just certain information, that's correct.
22 However, I am not hiding anything from you. The
23 entire application is publicly available.
24 PARTICIPANT: And when you say they
25 provided a cultural survey to you, did they also

1 provide the process that they used to complete this
2 cultural survey?
3 MR. GOODMAN: They provided us -- they
4 provided us information on the survey as to who
5 completed it. Yes, they did that as part of the
6 application.
7 PARTICIPANT: So the process is also in
8 the application?
9 MR. GOODMAN: I believe I'm answering your
10 question yes, but I'm not particularly sure. But yes,
11 they provided information for us regarding the survey.
12 PARTICIPANT: And were tribes part of
13 that?
14 MR. GOODMAN: They do have -- yes, they do
15 have a slight section on -- they do have information
16 provided on how they came up with the information they
17 came up with, yes.
18 Bryce, sorry, it has been a while.
19 MR. IN THE WOODS: This question is
20 directed at the NRC, whoever can answer it, because
21 you say emergency situations. For example, we are
22 talking with Keystone XL, and they asked a couple of
23 weeks ago in April did we have any spills, leaks, et
24 cetera, any kind of situation.
25 My -- the other spill that happened in

1 Kalamazoo, 30 miles of water -- you know, crude oil,
2 and closed that off. I mentioned that, and how are
3 they going to -- you know, that is an emergency
4 situation. And they had a spill of Keystone 1, a
5 faulty -- piece of equipment that was faulty. So that
6 created a spill.
7 Is there a contingency that NRC has, you
8 know, that when we have these companies which are
9 paying for the EIS, paying for monitoring, they are
10 doing all of this, because of the climate change that
11 we're basing it on, and there's concern about our
12 water, because you're putting a pipeline under water,
13 you're not guaranteed.
14 If it spills under the Missouri, it spills
15 under the Big River, the Fan River, it is going to
16 impact -- you know, it is going to impact everybody.
17 And then, there was a recent earthquake
18 down by St. Louis. I mentioned earthquake to Keystone
19 personnel. They said, "We've got no spills." But now
20 they can't say that. These are real severe.
21 So when we come to adverse effects and the
22 failure to resolve those effects due to emergency
23 situations that are out of control of the company,
24 NRC, everybody. And we fear it is going to happen.
25 And when it does happen, the area of potential effects

1 is going to be great.

2 So what is NRC -- what areas have you guys

3 ever handled? And what have you done to resolve --

4 you know, failure to resolve adverse effects? I was up

5 by -- I can't remember the location now, but you guys

6 have a power plant that is -- the pipelines underneath

7 are leaking -- leaking some radioactive material. And

8 then, the company says they are putting it back in,

9 doing reverse osmosis or whatever, and they are

10 putting it back into the water.

11 Does that really -- is NRC really looking

12 after that? Are they getting a look at the water

13 quality? Are they going to throw it on EPA?

14 To give you a little update on EPA, they

15 were hamstringed. The previous administration went to

16 three directors, and that told us something. Now, the

17 EPA is -- again, they are under attack again. And how

18 is NRC going to look at these emergency situations

19 that our people have foretold that these things are

20 coming?

21 And now we are here, how are you going to

22 deal with that in the committee process that is going

23 to bankrupt the energy companies if failure happens?

24 I was told by energy company personnel that that's

25 what is going to happen. It's expensive for them to

1 -- you know, they're leery about it moving up or down
2 instead of like going out there and monitoring it.
3 And who is going to pay for that? When
4 that contamination happens, who is going to pay for
5 that? Because an emergency situation, we can't tell
6 when it going to happen and where it's going to
7 happen. Is NRC factoring that in on these adverse
8 effects, that that may happen?
9 MR. GOODMAN: You asked a lot of excellent
10 questions in there, and sort of as an overview, and I
11 hope this does an adequate job of answering your
12 question. When we complete the NEPA review, we
13 determine whether or not there are adverse impacts to
14 the site. And if we do make a determination that
15 there would be adverse impacts, then we would put --
16 include that in the environmental documents. Yes, we
17 would talk about that.
18 MR. IN THE WOODS: With that
19 recommendation to -- the recommendation to do what,
20 because you have that documentation, and then, when
21 you do that review, or you do that review with your
22 documentation, is that recommendation going to be in
23 there? Or something unforseen that -- you know, like
24 we were told from Keystone, "We don't have a spill,"
25 but yet there are spills going on in this country

1 because of Canada companies, again.

2 MR. GOODMAN: Right.

3 MR. VON TILL: But he's talking about --

4 during our review process we do look at accident

5 analysis, and so forth. And to answer your question,

6 really, if there's spills that go on, then the company

7 is required to clean up these spills. The company is

8 required by our license to clean up the groundwater.

9 We also have in our regulations a

10 requirement for financial surety, so that all of these

11 facilities -- the operating facilities like Crow

12 Butte, they have a financial surety. I'm not sure

13 what it is right now -- $35 million, $40 million,

14 whatever it is.

15 The purpose of that is if that company

16 goes bankrupt, that a third party can clean up that

17 site. So that's part of the regulations as a part of

18 the UMTRCA that I mentioned earlier, as to

19 requirements to make sure that these sites are cleaned

20 up. And these companies can't just run off and go

21 bankrupt. We have a financial surety. So I just

22 wanted to point that out.

23 MR. IN THE WOODS: They left some in the

24 northwest corner. That's what happened. They didn't

25 clean it up.

1 MR. VON TILL: Yes, I -

2 MR. IN THE WOODS: What I'm saying is that
3 I know this is going to break your companies. They
4 told me that. You know, they can't -- if they permit
5 the aquifer, they are going come in and do reverse
6 osmosis. Very expensive is what they're telling me.
7 And then, to put that back onto, I mean,
8 that -- who is going to absorb that cost if something
9 happens that we can't foresee? Let's say an
10 earthquake hit over here. You know, there was an
11 earthquake in South Dakota a while back, so that's the
12 scenario I guess, would be an earthquake would really
13 be devastating for a state like Wyoming.
14 If there was a major earthquake in
15 Wyoming, with all that coal burning and stuff under
16 the ground, it seems like the way they have the CGMs,
17 and then they have let say's Buffalo Butte. The
18 degradation and the integrity, that was not there no
19 more because of all of the building.
20 NRC can't assure that degradation to the
21 aquifers is there. That's a whole area of drainage
22 and marshes, a whole ecosystem there. And underneath
23 that you can't really -- you can't really say that
24 uranium mining, that there is no type of degradation
25 there, the integrity is gone there, because of all of

1 the mining -- I mean, all of the drilling that is
2 there. It can't be done.
3 I think we're going to look at some real
4 serious issues here if this continues and NRC doesn't
5 factor that in in an emergency situation. You know,
6 it --
7 MR. RED CLOUD: Over here. Well, I'm
8 going back and they haven't done nothing for us. But
9 you talk to my people. So I -- what you say here,
10 you'd better leave, because that's it. We don't want
11 to hear it anymore. So leave. You've never done
12 nothing for Lakota people.
13 So thank you to come out and try -- talk
14 to us. Thank you.
15 MR. GOODMAN: Yes.
16 MR. CATCHES ENEMY: This is Mike Catches
17 Enemy. Before we continue, I wanted to, first of all,
18 thank everybody for their comments. I think
19 everybody's comments is exactly what you guys
20 hopefully came for, you know, to hear all of the
21 comments and issues.
22 I think some of the main comments that are
23 coming up that are really important is how we are
24 talking about three different mines right now, but we
25 are also talking about NEPA, and we are also talking

1 about NHPA. So it's a lot to try to keep clear and
2 keep focused on.
3 And I think one of the good points that
4 was brought up is about the attorneys. You know, a
5 lot of the comments that are coming from the tribes
6 and the other representatives, we don't have our
7 counsel here to, you know, rely on to clarify for us.
8 Nothing against your guys' counsel, but since we
9 don't have our legal folks here, I think there really
10 is a disadvantage for us. It feels that way.
11 If we say something, it's clarified by you
12 guys, and then we just kind of keep going back and
13 forth. That's not -- I don't think that was the
14 intent of this meeting, to get back and have our
15 attorney . If we're going to do that, then let's have
16 litigation. I don't think this meeting was
17 established for that purpose.
18 I wanted to yield the floor. He's been
19 waiting, and he waited patiently, and he has kind of
20 been passed over. Dennis, do you have any comments?
21 You had your hand up.
22 MR. YELLOW THUNDER: Thank you, Mike.
23 This is Dennis again. Basically, I just was going
24 back to what I had said before about -- about the --
25 really, the purpose and intent for your expansion into

1 these other mines.

2 And with the number of mines that you

3 already have in Wyoming, the 5,400 mines or recovery

4 units that is already in operation, and the number of

5 wells that you will be proposing through this proposed

6 Dewey-Burdock plus the north expansion, North Trend

7 expansion, it just seems like you -- it's like an

8 overkill, in my perspective.

9 And being a regulatory agency, you are the

10 national regulatory agent -- commission, it seems that

11 you should be regulating that a little more

12 intensively, I would say, and be very careful and, you

13 know, consider very -- for the benefit of the people

14 involved the expansions that you should -- you know,

15 that you might be considering to do, and really

16 regulating, actually, doing your job as the regulatory

17 commission to regulate, and maybe not to, you know, I

18 guess make the expansions that are needed, and

19 especially into the Dewey-Burdock area in the Black

20 Hills, which is also very sacred to our people.

21 And I guess another thing I wanted to ask

22 was, what is the life span of the Crow Butte recovery

23 unit? I mean, is it going to produce at a sufficient

24 rate to meet those energy needs for another five

25 years, another 10 years, 15 years? Or is it like in a

1 situation in which an expansion is, bang, ready, got
2 to expand now? You know, Crow Butte is running out,
3 let's expand.
4 So, you know, with those kind of things in
5 -- taking those kinds of things into consideration, is
6 an expansion really actually necessary to move into
7 the North Trend area, into Dewey-Burdock? Are those
8 essential? I mean, is it crucial that those
9 expansions be made?
10 You know, taking into consideration
11 everything that has been mentioned by these other
12 tribes, by concerns of people of the THPO, the SHPO,
13 all of these other entities that are present today.
14 Is an expansion actually really needed?
15 Is it really something that is going to, you know --
16 will the energy needs that we have, are they so great
17 that we need to have this type of expansion at this
18 rate and into these areas that are very crucial to our
19 historical perspective and to the artifacts that are
20 there?
21 And not only that, but we have also
22 wildlife out there, we have animals, we have birds, we
23 have things that are living in those areas, not only
24 people, and livestock. So in regards to everything
25 that has been said here today, you know, that has been

1 my point was, what is the life span of the Crow Butte
2 recovery unit? And what is the urgency for expansion
3 -- for the expansion that has been proposed?
4 MR. GOODMAN: To answer your question, NRC
5 does not make that determination. We don't
6 determination -- we don't make the determination as to
7 whether or not the expansion is necessary. We just
8 regulate and approve or deny the application.
9 MR. YELLOW THUNDER: Well, I think in your
10 capacity, then maybe it would be beneficial to really
11 take into consideration everything that has been here
12 to do that.
13 MR. GOODMAN: Thank you so much for your
14 concern.
15 MR. YELLOW THUNDER: You know?
16 MR. GOODMAN: Thank you. That's a good
17 comment.
18 MR. YELLOW THUNDER: Thank you.
19 MR. GOODMAN: I think the gentleman with
20 the hat, you've had your hand up for probably an hour
21 now. Good? Okay.
22 MR. VANCE: Steve Vance from Cheyenne
23 River. Regarding an emergency. What is your priority
24 to fulfill this as a scenario? An earthquake happens,
25 there's a disaster at the Crow Butte facility. What

1 is the applicant or NRC liable for, for recovery of
2 that?
3 MR. GOODMAN: So your question is --
4 MR. VANCE: Within the project site alone
5 or beyond it?
6 MR. GOODMAN: Your question is, if there
7 were to be an accident at --
8 MR. VANCE: At the Crow Butte facility or
9 something --
10 MR. GOODMAN: -- the Crow Butte facility,
11 what is NRC's obligation at that point? Is that --
12 MR. VANCE: Is that beyond the site, too,
13 or --
14 MR. GOODMAN: I believe that our -- we
15 include more than just the site, that we have a radius
16 of impact for accidents and --
17 MR. VON TILL: Yes. If there is any kind
18 of an accident, you know, offsite, we would deal with
19 offsite as well. It's not contained to the licensed
20 area.
21 MR. VANCE: Who is responsible, the NRC or
22 the applicant?
23 MR. VON TILL: The company is responsible
24 for dealing with that. We oversee the company
25 response on taking care of any kind of emergency like

1 that. I think if it would get really bad enough, I
2 think way offsite FEMA - FEMA would also be involved,
3 the Federal -- FEMA, Federal Emergency Management
4 might also be involved, also the state would be
5 involved.
6 Recognize, too, that the Crow Butte
7 facility is regulated by the NRC. But it is also
8 regulated by the State of Nebraska under several
9 permits that they have. So we would work with the
10 state on making sure that the Cameco would deal with
11 any kind of emergency that would occur. So I hope
12 that answers the question.
13 MR. VANCE: Well, great. Because I was
14 just reading one in Wyoming where they were -- the
15 bond covered only -- the site only in an issue like
16 that. That's why I questioned that for NRC, you know,
17 in Nebraska here, who would be responsible, and at
18 what level, you know. And this one with Wyoming, they
19 were talking about Wyoming Department of Environmental
20 Quality made a statement that they were liable within
21 the project boundaries only.
22 So that is going on to what Bryce
23 mentioned about unpredictable things that can happen,
24 and they will happen. You know, they -- the applicant
25 said yesterday when we questioned, that they would

1 pressure test. They would go down and test. But the
2 effects ain't going to be right away. Nature don't
3 respond, you know, instantly to what, you know, is
4 being applied to it. It could be a year or two or 10
5 or 50 years down the line that the fault will react to
6 the pressure that's been done to it. We don't know
7 that. Nobody knows that.
8 So it is an issue of a question that is
9 unknown. That's why we're talking about water and
10 air, you know, the unknown factors. And the state is
11 monitoring this, but they are doing a semi-annual, you
12 know, review. If there was a leak at the time of you
13 guys, you know, doing a test or monitoring, maybe you
14 would understand that there is a leak. But there
15 could be leaks that go unreported, like you said.
16 You kind of assume they would tell everything up
17 front, open.
18 Going back to another comment I wanted to
19 make is that somebody had mentioned that, you know,
20 the need for uranium is -- falls under the Department
21 of Energy and stuff, but -- and going back to this
22 applicant, we, you know, from Canada.
23 So there again, you know, I think that
24 should be, you know, addressed also, that it is not
25 from this -- you know, a company from here. Wherever

1 they sell this, if the United States buys it's, it's
2 buying it back from another country, but yet it's
3 being mined out of this country.
4 You know, I know that question came up,
5 and I know a lot of these things are what -- I believe
6 the same issue. I wasn't there when all this stuff
7 was discussed back in 2006, 2008, whenever, but it
8 seems like it's all the same concerns, same questions,
9 same comments, as what was addressed back then, and
10 the license was issued. And here we're talking about
11 renewal, and the same kind of questions and concerns
12 and issues are still at the table.
13 So I kind of feel like, you know, it is
14 going to vote for the renewal, because it was issued
15 to begin with, with all of these things brought to the
16 table. I'm just hoping that, you know, they are
17 falling -- you know, it wouldn't fall on deaf ears
18 this time that these concerns -- because they are the
19 same concerns they were back then -- air, water, you
20 know, light, boundaries, you know, historical sites,
21 traditional sites.
22 All these things were brought up before
23 when they applied for the application to begin with --
24 the permit. And I just kind of sense that. I'm just
25 hoping that it don't go that way, but the same

1 questions, the same concerns -- we haven't changed.
2 The native people haven't changed in their care of
3 what life is. Our ancestors felt that way; we still
4 feel that way.
5 But I've heard that from many people here,
6 you know, as to what has happened. There is a saying
7 that (Native language). Take a look behind you, your
8 grandchildren are coming. What are we leaving them?
9 Where are the responsible ones? So I just wanted to
10 mention that.
11 MR. GOODMAN: Did you come up with your
12 question?
13 MR. BIG CROW: Yes, sir. I would just
14 like to make a few comments about the BIA, Department
15 of Interior, did a survey of this land, the Badlands.
16 So the natural gas that was here on my reservation,
17 the oil, the uranium that they are talking about, is
18 all going to be built into energy later on as the
19 years go by.
20 So I am assuming that because this thing
21 happening, and it sat on the table, it has been talked
22 about in national life, the political table, in other
23 countries, and so forth, that you guys are coming out
24 here and doing these surveys, and we ask you, United
25 States, to make sure that all of these checkpoints are

1 done, because of the drilling down to the main water
2 line and to the aquifer water created some problems
3 here, big problems.
4 Article 6 of the United States
5 Constitution, which the United States has got to live
6 by and honor. In Article 6 it says, "Treaties are the
7 supreme law of the land," and there's two treaties
8 that it is talking about -- no other treaties in the
9 country, in the world -- 1851 and 1853.
10 Well, some of our older people say, and
11 some of the politicians that I know, that I met, have
12 said this, since Congress adopted treaties and passed
13 it on to 1843, Department of War, to take care of the
14 treaty matters. In this process of treaties, the
15 Supreme Court upheld the treaty aspects to make this
16 agreement. That never happened.
17 So the treaties are out there, and you
18 guys are coming in from the United States' standpoint
19 and making all of these assessments. You know, I
20 know, other people around this room here know, that
21 the language of this treaty has changed.
22 In the last 20 years, 25 years, the United
23 States Government has said, "This is our land,"
24 meaning "their" land. How did they come to that
25 perception, without the Indians approval already. And

1 it takes two groups of people to make a treaty.

2 And one side is doing all of this, we're

3 screwed -- excuse my language -- so these assessments

4 that you are going back to make water lines, and

5 drilling, you've got a book set up here to have

6 everybody sign to do your - The assignment, the

7 assessment, that is the evaluation that backs up your

8 document. The adverse practices is being handled and

9 done. I mean, is that the way you got to look at this

10 thing, because the Badlands over here, you start

11 picking up the Badlands, you've got uranium over here,

12 all the way down.

13 It said Nebraska over here has cut off our

14 main water line, and they haven't approached the tribe

15 or they never made our tribe aware of it. So all of

16 these paper barriers existed. There are a lot of

17 these barriers.

18 And so if we are going to be true and do

19 our talking here to be on the same table. I have to

20 say something here. Washington, D.C. was built by a

21 black man. Forty years later, we elect a black person

22 in there. Now he is bringing back to the table to

23 make these amendments. And those amendments are not

24 being defined or combined or brought out to benefit

25 the Indian people.

1 Lakota Nation -- that's what we are called
2 -- the Lakota and Nakota and Dakota were the only
3 group of people in the United States that whipped the
4 United States butt and took their flag. And then,
5 somehow in the midst of all this they took their --
6 they stole their pipe back. They just auctioned that
7 thing off for $7.3 million.
8 That's history. Nobody says it. So while
9 you're doing your assessments here and using the Great
10 Sioux Nations' area, being in Rosebud, Cheyenne River,
11 Standing Rock, Oglalas, we are all in this together.
12 If assessments here are going to be done for the
13 United States, and only the United States, without our
14 consent, that's how I view this.
15 This is how I look at that. Is that what
16 we're doing right now, to make these assessments of
17 the drilling and water to build this energy up for the
18 United States Government? Because that's what going
19 out to in these wars in Iraq, Afghanistan, and Libya,
20 that we won't need to import no more oil into the
21 United States, we can use our own energy.
22 So tell me if we're missing the boat here
23 and need some to create another image. But, yes, we
24 are going to make all of this energy out, and then put
25 it on the table to benefit the United States

1 Government. Is that what is going to happen?

2 MR. GOODMAN: Why we are here today is to

3 gather information, so that we can complete an

4 environmental review process, which includes writing a

5 document within the National Environmental Policy Act,

6 as well as satisfying the Section 106 requirements. I

7 can't necessarily -- I know that's not necessarily the

8 answer that you wanted to hear, but, yes, we are here

9 to write environmental documents. That is why we're

10 here. Is it -- so, yes, that's why we're here.

11 MR. BIG CROW: So you're here to benefit

12 the United States and leave the tribes out, right?

13 MR. GOODMAN: No, that's -- sorry, that's

14 not what I said. That's not correct. We're here, and

15 we are involved in the tribes today, and we continue

16 to -- we will continue to involve the tribes for this

17 entire process. We are not writing this document for

18 the sole purpose of the U.S. Government. In fact, it

19 says in the National Environmental Policy Act that it

20 is written for the public, and it is an environmental

21 review process. So no, we are not going to exclude

22 the tribes from here forward. We are going to

23 continue to include the tribes in this entire process.

24 MR. RED CLOUD: All right. In other

25 words, right now, you've violated 1851, and Article 6,

1 that treaty is violated right now. That is our right.
2 That is very important. But right now you are
3 violating 1851.
4 MR. GOODMAN: Thank you for your comment.
5 MR. RED CLOUD: But it's free.
6 MR. GOODMAN: Are there any other
7 questions?
8 MS. CONVERSE: Yes.
9 MR. GOODMAN: Yes?
10 MS. CONVERSE: Kat Converse. I just
11 wanted to add on to the last two comments in reference
12 to being a clean energy. I was just curious,
13 yesterday during the tour, I believe Wade pointed out
14 that at -- Crow Butte is kind of an intersection of
15 three different power sources. And I was just curious
16 if the carbon footprint was going to be included in
17 the EA, as far as the usage of fossil fuels in order
18 to run their facilities.
19 MR. GOODMAN: That's an excellent
20 question. Did everyone hear the question? The
21 question was: does the overall carbon footprint get
22 included in the NRC's environmental review? The
23 answer to that question is yes, through something
24 called cumulative impacts.
25 In any environmental document under NEPA,

1 we do a cumulative impact assessment. The cumulative
2 impact assessment, to use a technical term, includes
3 the action on the table, plus all other past, present,
4 and reasonably foreseeable actions from any other
5 federal agency, and also any non-federal agency. So
6 it does include everything in the resource impact
7 area. So, yes, we do take a look at all of that in a
8 cumulative impact assessment.
9 Any other questions?
10 MR. MESTETH: I would like to make some
11 statements here.
12 MR. GOODMAN: Certainly.
13 MR. MESTETH: Okay. My name is Wilmer
14 Mesteth, and I am the Oglala Sioux Tribe tribal
15 historic preservation officer. And I am also a
16 spiritual leader on this reservation all my life, and
17 I am also another traditional leader for my community.
18 And so I represent a lot of people on our Pine Ridge
19 Reservation.
20 Our tribe is the largest tribe of the
21 Sioux Nation. We have 68,000 people. We are the
22 largest tribe. We are the largest land base. And
23 that's why today I am really happy that a lot of our
24 elders, our people, families come here today to speak.
25 And you need to hear us, you know. NRC needs to hear

1 this. It might be hard to hear, but you have to hear
2 it, because I'm going to tell you about the history,
3 what my uncle is saying here, what these treaty people
4 are saying here.
5 Our treaty rights, they are the law of the
6 land. It is commissions like this that come here in
7 history, they are the ones that wrote the treaty. We
8 didn't write the treaty. The words that they wrote on
9 those documents come from the (native language). Not
10 one Lakota wrote that word on that treaty.
11 And they got interpreters to speak to our
12 elders, our chiefs, and the government made promises
13 to these chiefs. In the 1851 treaty, there are seven
14 tribes that are included in the 1851 treaty. At that
15 time, there was a chief -- his name was Matho Wayuhi.
16 He was designated from Washington to be the chief of
17 all of the Lakota. So he represented our people at
18 the 1851 treaty, and it was held in Fort Laramie
19 treaty grounds area in Wyoming.
20 And they were talking about this land
21 here, and the government wanted a road to our lands.
22 Our lands extended down to the Smoky Hill River in
23 Kansas. And we called it (native language). And that
24 road is coming through Nebraska, right through the
25 heart of our country.

1 At that time, there was millions of head
2 of buffalo, in 1851 -- an estimate of 78 million head
3 of buffalo that roamed this country, and that was our
4 way of life, our food, our life resources. All of the
5 animals that existed here, we hunted those animals.
6 And we drank these waters, and they were pure.
7 And the next treaty is 1868 treaty. And
8 it is our grandfathers, the chiefs, that are the
9 signatories. If you look at that document, it is not
10 only one chief. We have chiefs -- grandpas that are
11 chiefs. If you just look at that document, their
12 names are on that treaty. There is Northern Cheyennes
13 on it, there is Northern Arapahos, there is Siksikawa
14 people name on that treaty -- 1868 treaty.
15 And the history of that treaty took place
16 on Fort Laramie again. Chief Red Cloud won this war
17 here on the Powder River. They talked with the United
18 States, and put us up to this road, the Bozeman Trail,
19 and so the government came and took them to Portland,
20 evacuated them. They left them, abandoned them.
21 And it was the understanding of our chiefs
22 and the warriors that fought that battle that they won
23 the war. They didn't want them coming through the
24 Powder River. And then, they wanted chiefs to come to
25 Fort Laramie and sign the treat in 1867. So Chief

1 Little Wound, Chief Red Cloud, all the chiefs, Chief
2 Young Man Afraid of His Horses, Pawnee Killer, Bad
3 Wound, their names are on there -- all men there,
4 their names are on that treaty.
5 And here the government turned around what
6 they wrote down, like they are trying to do here --
7 write down our words, misconstrued those words. And
8 today, you know, even our lawyers have treated the way
9 it's written -- it was our understanding through the
10 interpreters that came from the United States
11 Government, misconstrued the words of the chiefs,
12 turned those words around, changed the wording in
13 those treaty agreements to benefit themselves, not our
14 people.
15 Later on, we discovered that they tricked
16 the people, and then they started taking these lands.
17 My uncle, one of our traditional chiefs, talking
18 about this 1851 treaty, those are lands of Lakota
19 people. So those treaties, you know, were changed
20 after the commissions went to Washington, D.C.
21 We are trying to tell you how this
22 affecting this mining here today. Then, how it was
23 affecting our resources then, the same story we are
24 trying to tell you again today. And when those lands
25 were taken from our people, Homestead Act opened up

1 and gave those lands to those immigrants.

2 Yesterday we went to view that country

3 there -- Crow Butte. And company people were telling

4 how they had a good relationship going with the

5 landowners, the ranchers, and the county commissioner.

6 And they were even giving donations to their schools,

7 and all of this, you know.

8 And here we sit, the two landowners.

9 Those are not fully litigated yet. They are still in

10 litigation. Our people are still in the court. We

11 don't want to accept no money, call it just

12 compensation. Just compensation, they want to pay us

13 pennies for all that land and resources that this

14 country is living off of -- Lakota land, Lakota

15 minerals, Lakota water, Lakota resources. There are

16 forests still today that the State of Nebraska is

17 benefitting from our land, the State of Wyoming, State

18 of Colorado, and State of Kansas, Montana, Lakota

19 country.

20 So those people -- homesteaders and the

21 government, probably about 160 acres for the ranchers

22 that live there today. Some of them have lived there

23 100 years, but that land -- the minerals underneath

24 it, like my cousin was mentioning over here, those

25 minerals belong to our people. Those lands are still

1 in question, in litigation yet.

2 We've got a court case that is the oldest,
3 longest court case in the history of the United States
4 of America that is still in litigation here. Those
5 answers have been answered by Washington, D.C., and
6 that is what our elders are saying, that's what our
7 chiefs are saying, that's what our people are telling
8 me. You have to understand what happened in history,
9 and so we are trying to tell you this history.

10 And on this -- it has always been negative
11 towards our people. So right across our border here,
12 the reservation border, is the White River, it runs up
13 there. That's the historical property we are talking
14 about.

15 Yesterday, I heard the company -- they are
16 talking about property that the state historical
17 society or the historical -- SHPO in Nebraska gave
18 them that information. They didn't come ask us,
19 because we have our ancestors buried there. Those
20 mountains (native language) our ancestors are buried
21 there.

22 (Native language) that string of hills
23 there, those are burial grounds and places of worship.
24 Our people went up in the hills there and prayed.
25 And the camping sites, I was talking about where the

1 Little Wound people were camped, where Red Cloud was
2 camped, where Crazy Horse, when he surrendered, was
3 camped, Little Killer.
4 And we have a lot of information about
5 that whole entire area. It's rich in cultural
6 history, our culture.
7 And there's tribes that also have history
8 there -- the Pawnee, the Arapaho, the Northern
9 Cheyenne, Kiowa, Comanche, Crow, those people have
10 history here in this area. And they have burial
11 grounds here, too, also.
12 When we went over there, they were only
13 speaking of a few sites right there. Under there, the
14 water, the aquifer and the watersheds got closed to
15 our reservation here, this White River. What is
16 taking place with that mine is going to affect us. It
17 is affecting our historical property there in that
18 area. You see it -- we drove right through it, all of
19 those little canisters. You could see it on the
20 ground there, that mining, in situ mining.
21 It started on the land there, because an
22 immigrant received a parcel of land, and he thinks he
23 owns the resources underneath it. But no, those
24 belong to our tribe -- our tribe. So you didn't come
25 and ask us, and that's what our people are saying.

1 And it's affecting our people, our generation.

2 I was mentioning it this morning and

3 yesterday that gestational -- I mean, diabetes is

4 happening, pancreatic cancer showing up all of a

5 sudden here, diabetes increasing, up to 82 percent on

6 our reservation, all of a sudden.

7 Our water resources were pure when I was a

8 young boy. Today we can't drink this water that flows

9 through the White River. The old springs were used

10 to gather the sacred water and drink it. It's

11 contaminated. What caused that? I want this

12 Commission to look into it, those health issues that

13 -- what we are having to face here on our reservation,

14 look into that, what is causing those.

15 Before you make a decision for a county

16 commissioner and an immigrant, you know, across the

17 border here, you've got to take a look at all of that

18 information there that we have. We want to tell you

19 those things. That's why we don't trust commissions

20 like this when they come onto our reservation.

21 And that's why we say these words. It's

22 hard to hear, but you have to hear it and weigh the

23 decision you're going to be making, because don't

24 benefit from those. We don't have mining operations.

25 We don't get money off of that. We don't want that.

1 We banned mining on this reservation. There is no
2 mining activity here, because we are looking to the
3 future, the survival of our generations to come. We
4 are going to live here forever.
5 So I wanted to mention that I am the
6 tribal historic preservation officer. I take that
7 serious. And my friends from up north in the other
8 tribes, they take their job serious. We are
9 representing our people the best we can, and they are
10 our people.
11 We want to bring them here, so you can
12 hear them. Maybe you're tired and you don't want to
13 hear it, but you have to hear it, and I want you to
14 hear it, each and every one of you. You have families
15 that you are threatened, how would you react? We feel
16 threatened by that mining.
17 So that's all I wanted to say.
18 MODERATOR HSUEH: Thank you very much.
19 Thank you. I really appreciate all of you sharing
20 your information with us.
21 As we mentioned at the very beginning, the
22 purpose of this meeting is to try to gather as much
23 information as we can, listen to your concerns and
24 your comments. So we really appreciate all the time
25 that you have spent with us, so we do appreciate that.

1 MR. GOODMAN: Are there any other
2 questions or -- yes.
3 MR. YOUNG DOG: My name is Ber Young Dog,
4 and I'm from South Dakota. From 1970 to 1972, in
5 Golden, Colorado, I worked for our tribe. And I was
6 in their research program. And you know when all this
7 was happening, listening to what I went through, and
8 then hear you talk here. I don't think I want that
9 here myself.
10 My brother just moved back. He was away,
11 too, but he retired. He is homebound, and I feel the
12 same way. And he was saying what -- since this is my
13 fourth day here, but I haven't been out of the state.
14 And I lived in Denver, Colorado. Actually, I retired
15 from Boulder, Colorado, Salvation Army, a retired
16 acting manager. So I can really say I have a real
17 good background that I've decided I'm not the way I
18 used to be.
19 You know, and when I came back in here,
20 all the things I learned, the tools that I learned
21 from it, is going to help me, because I hear you talk
22 -- and I look at my brother here. We have horses, he
23 has a ranch, you know, and what it really took to come
24 back to his place. And it's out in the country. He
25 likes to see deer, he likes to see foxes, and prairie

1 dogs. That's home. And this you are trying to here,
2 if that -- if it does happen, you are going to rip all
3 of the city -- the country life.
4 That's all I've got to say, thank you.
5 MR. GOODMAN: Thank you very much.
6 Shall we move on to the Dewey-Burdock?
7 (No response.)
8 Thank you all.
9 MS. YILMA: Good afternoon, everyone. I
10 am Haimanot Yilma. I am the project manager for the
11 proposed Dewey-Burdock project. Like Nathan here
12 today, my goal is to briefly go over the proposed
13 project and include an overview of the archaeological
14 survey.
15 And I would like you to share your
16 comments and concerns like you have been doing
17 throughout the presentation. I also would like to
18 make sure that anything you share here in confidence
19 will be kept in confidence.
20 The proposed Dewey-Burdock project is
21 looking at the Great Plains on the edges of the Black
22 Hills. And it's about 13 miles from Edgemont, South
23 Dakota, and about two hours from where we are here
24 today.
25 The proposed facility is about 10,500

1 acres wide, and it is composed of two mining units --
2 the Burdock unit and the Dewey unit. And as you can
3 see from this drawing, the proposed project borders --
4 I'm sorry, the Black Hills National Forest borders the
5 proposed project to the north, northeast, and the
6 east.
7 And I also would like to highlight the
8 proposed project boundary or the areas of potential
9 effect is bordered in black. That's the eight areas.
10 The company did a study outside of the
11 areas potentially affected, and that's what see in
12 purple around the proposed boundary.
13 MR. CLOUTHIER: I'm sorry. Could you
14 repeat what the purple was?
15 MS. YILMA: It's the outside expanded --
16 if you want to look at it that way, it's the area of
17 the review for the project.
18 MR. CLOUTHIER: And what's the distance?
19 Is it one mile?
20 MS. YILMA: I'm not sure, but I could
21 definitely get that information for you.
22 MR. CLOUTHIER: But it's about 25 miles,
23 right?
24 MS. YILMA: And as I mentioned, the
25 proposed boundary is about 10,500 acres, of which

1 10,300 is privately owned land, and about 240 is BLM
2 land. BLM and the Nuclear Regulatory Commission are
3 actually working on the supplemental environmental
4 impact statement together, and we do have some
5 representatives here from BLM today.
6 If you have any questions regarding BLM's
7 rules and regulations, I'm sure they will be happy to
8 entertain your questions.
9 They propose to use the ISR process of
10 extraction uranium from the Dewey-Burdock project,
11 and, if approved, the license would be issued for 10
12 years.
13 To identify potential impact to cultural
14 and historical properties, the archaeological survey
15 was conducted by the applicant over the entire
16 potential areas affected, and also the expanded area,
17 as mentioned. The survey was conducted by
18 archaeologists from Augstana College. Currently, the
19 NRC is reviewing that survey.
20 The field investigation -- I'm sorry, the
21 survey included field investigation, a review of
22 available records, literatures, and collections. The
23 field investigation was a subsurface testing, and
24 extensive excavation of some sites.
25 And I just want to point out, again, what

1 I am going over today is what is contained in the
2 applicant's survey. We are -- we will be doing our
3 own independent analysis of the applicant's survey
4 before we make any final decisions.
5 From the applicant's survey, over 200
6 archaeological sites were documented, of which four
7 were found eligible for nomination, and 10 are listed
8 on a national registry. And 10 historical properties
9 and structures were documented, two of which are
10 listed on the national registry, and three are
11 eligible for nomination.
12 And before we make any determination, of
13 course, consultation, information-gathering and
14 further consultation will have to be done before we
15 decide any final recommendations on our cultural
16 resources of the NEPA document.
17 As I mentioned, the Black Hills National
18 Forest borders the proposed site to the north,
19 northeast, and the east. NRC staff recognizes the
20 safety significance of the Black Hills. Therefore, we
21 would like to invite you to share your concerns,
22 provide additional information. Specifically, we
23 would like to hear or learn more about traditional
24 properties that you think may be impacted by the
25 project.

1 We understand that effective consultation
2 is a process, not just one event. I just want to make
3 a quick summary of what we have done to date. In
4 October 2009, we issued a notice of intent to develop
5 a supplemental environmental impact statement for the
6 proposed project. And in December 2009, we conducted
7 a site visit, which included a visit to the South
8 Dakota SHPO's office, from where we collected a list
9 of tribal representatives which potentially may be
10 impacted by this proposed project.
11 In March 2010, we sent our first round of
12 invitation letters to 17 different tribes that we
13 collected from the SHPO. And we received one tribe
14 that was interested in the proposed project. In
15 September 2010, we followed up with a follow-up
16 invitation letter to the 16 tribes, of which eight we
17 have heard from to date, and are interested in the
18 consultation part -- consultation process.
19 In February 2011, we learned three more
20 tribes may be interested in the proposed project, so
21 we went ahead and sent invitation letters to those
22 three additional tribes. And now we are here today to
23 hold our first information-gathering meeting.
24 As Nathan mentioned, all information
25 gathered here today will be used to help us conduct

1 our independent analysis of our environmental review,
2 specifically the cultural resources section of our
3 environmental review, and also help us identify any
4 traditional cultural properties or additional
5 archaeological sites that might not be already
6 highlighted that needs to be included in our cultural
7 section of the NEPA document.
8 So at this time, I would like to open it
9 up for questions, if you have any.
10 MR. CATCHES ENEMY: Mike Catches Enemy,
11 Oglala Sioux Tribe. I wanted to know -- if you could
12 go back to the map -- those two creeks that converge
13 to -- whatever it was.
14 MS. YILMA: What's that?
15 MR. CATCHES ENEMY: What are the names of
16 those two creeks that are coming right through there?
17 MS. YILMA: There is Pass Creek and Beaver
18 Creek.
19 Are there any other questions that you
20 have?
21 MS. OLSON: Paige Olson. Does the company
22 know where they want to place their facility?
23 MS. YILMA: Do you mean like a central
24 processing unit, and such?
25 MS. OLSON: Right.

1 MS. YILMA: Yes. I think this is the
2 central processing unit, and there's another one right
3 here. This map doesn't show all of the other
4 potential maps, but, yes, there are -- in the
5 information we do have a map that shows all of the
6 various different land applications and central
7 processing units.
8 MS. OLSON: Is it possible to get a copy
9 of that?
10 MS. YILMA: Oh, definitely. It's actually
11 part of application processing added to the public
12 data also.
13 MR. CATCHES ENEMY: Can you describe the
14 other colors, and the yellow stripes and white
15 stripes, those --
16 MS. YILMA: The yellow stripe is BLM.
17 MR. CATCHES ENEMY: The what?
18 MS. YILMA: BLM.
19 MR. CATCHES ENEMY: BLM.
20 MS. YILMA: So the original acres is BLM
21 land. And I know it's kind of small. The red is what
22 I mentioned, the central processing unit. Purple --
23 you can't really actually see it. Let me get my
24 bigger map.
25 The blue is the South Dakota school and

1 public lands. This is Dewey Road. I don't think you
2 can see it very well. This is the railroad right
3 here. And then, we have the claims, and the federal
4 claims also in there. I think that's about it. And
5 these are the proposed mining claims.
6 MR. ROM: What is the purple line there?
7 MS. YILMA: The purple line is the
8 extended -- the review -- if you want to look at it,
9 the review area, the extended review area. Although
10 the permit boundary is in black, the applicant
11 actually did the study outside the permit boundary.
12 MR. ROM: And can you provide any
13 information on how the area potential effect was
14 determined to be the exact same as the project
15 boundary?
16 MS. YILMA: Yes. The areas of potential
17 effect is synonymous with the project boundary.
18 However, if you look in the archaeological survey, you
19 talk about the expanded areas of potential effect, and
20 that's what is shown in the purple. So they did those
21 studies essentially within the limit boundary and
22 outside.
23 MR. ROM: Can you tell me why the permit
24 boundary has been determined to be the area of
25 potential effect?

1 MS. YILMA: Well, you know, you are
2 talking -- when you have a determination of areas of
3 potential effect, you look at the potential
4 disturbances that may occur. And the project
5 boundary, even though, again, it's like 10,500 acres,
6 they are not actually disturbing 10,500 acres.
7 MR. ROM: So the area of potential effect,
8 is the area you can cause to have -- have adverse
9 effects from the project.
10 MS. YILMA: That's correct.
11 MR. ROM: It's not the area of
12 disturbance. That's not --
13 MS. YILMA: No.
14 MR. ROM: -- the same thing. Well, I
15 guess I have one suggestion, that maybe you need to
16 rethink the area of potential effect for this project.
17 MS. YILMA: We can definitely look into
18 it.
19 MR. WHITTED: Do you have a map that shows
20 the sites that were identified by the archaeologists?
21 I see a map that shows the sites that were identified
22 by Augustana when there were out in the field.
23 MS. YILMA: Yes.
24 MR. WHITTED: Do you have that map on the
25 projector? Can se see that?

1 MS. YILMA: No, I don't have it accessible
2 for you to look at. We do have that map. It is
3 provided for us, for our review, and it was marked as
4 sensitive and proprietary, just because there is, you
5 know -- Paige, you can help me with this one -- there
6 is a law that says that we cannot identify specific
7 locations of archaeological find. And because of
8 that, it was marked as private and sensitive.
9 MR. WHITTED: How are we expected to
10 comment on the project if we don't know what has been
11 identified there?
12 MS. YILMA: As Nathan mentioned earlier,
13 if you are interested in finding -- in getting a copy
14 of that information, we are more than welcome to, you
15 know, get that information over to you.
16 MR. WHITTED: Okay. I'm requesting that,
17 as well as the archaeological survey that was
18 performed.
19 MS. YILMA: The archaeological survey we
20 have actually given to --
21 MR. WHITTED: Okay.
22 MS. YILMA: -- you. I think you have a
23 copy of it. But we can get you the map.
24 MR. JEHLE: Patty Jehle with NRC. We will
25 be able to make the archaeological survey reports

1 available to the tribes who would like to have
2 unredacted versions. We withheld it because it does
3 contain sensitive information, but we understand
4 completely that the tribes would need to have that
5 information to provide a full assessment from their
6 point of view.
7 The Oglala Sioux were provided with an
8 unredacted version, but the others may certainly
9 request it, and we can provide it.
10 MR. VANCE: Again, going back to the other
11 project with the survey -- this is Steve Vance from
12 Cheyenne River again -- that, again, we are going to
13 recommend that tribes are allowed to go in and do
14 their survey, because the TCPs that are identified,
15 again, going back to the other project, probably not
16 identified or evaluated by tribes. Like I said, it
17 was a college that provided that archaeological study
18 and survey.
19 And, again, that's what -- when we look to
20 these -- when they say "revisit a site," that's kind
21 of what we assume we are going to do is to go in and
22 try to identify things. But it is always somebody
23 else identifying stuff we should be identifying. So I
24 don't know if that was done with this one or not.
25 MS. YILMA: So are you -- I'm sorry, are

1 you asking if there is going to be a TCP survey
2 conducted here at Dewey-Burdock?
3 MR. VANCE: That's the only way we can
4 evaluate our comment is if we know what we're
5 commenting about, because I think going back to what
6 Jim said -- we can see those sites, we know who
7 determined them, who identified they, how were they
8 nominated, and if there are others that need to be
9 identified. We don't know that.
10 MS. YILMA: Right. So one of the reasons
11 why we wanted to have the site visit is to facilitate
12 the identification of traditional cultural properties,
13 and that is just the beginning. You know, tomorrow's
14 site visit would be a beginning stage. And if need
15 be, we need to have more site visits or consultation,
16 we can discuss that.
17 MR. VANCE: Well, like yesterday we drove
18 around the perimeter of the Crow Butte facility. We
19 drove around the perimeter. And we didn't really get,
20 you know, an opportunity -- and the same with North
21 Trend. You know, there was mention of a projectile
22 point found in there, and then, you know, we just kind
23 of looked at the field, and then said, you know, that
24 doesn't give us an opportunity to comment until we go
25 out there and look at it.

1 And, again, you know, the vegetation out
2 there right now limits what you can see on the
3 surface. So I think, you know, we need to see the
4 whole picture before we can comment on it accurately.
5 Again this is going back to the same one
6 again, but I think it is going to be that way on
7 everything. We are going to hear an archaeologist's,
8 you know, view of a traditional cultural property, and
9 yet we feel we have people who have that expertise to
10 identify it.
11 MS. YILMA: I understand. That's one of
12 the reasons why we are having this meeting, to make
13 sure we understand things that are, you know,
14 sensitive to you, and so we can consider. And as for
15 tomorrow's site visit, if there are any areas that you
16 might want to take a look, come out of the bus or van,
17 take a look. Let us know. We can see if we can talk
18 about that, and after the van stops, we can get off
19 the do the inspections.
20 MR. IN THE WOODS: This is Bryce in the
21 Woods from the Cheyenne River Sioux Tribe. I guess
22 what we're asking for is that our SHPO offices and
23 maybe some of the selected officials put boots on the
24 ground and go to these sites and confirm what the
25 Augustana college students, or whoever did this

1 survey, confirm some of that. That's sensitive to us.
2 That's where it's coming from. It's coming from the
3 tribes, the sensitivity, the sites.
4 We are asking for not only on these two
5 sites, but also Nichols Ranch, which we have clearance
6 from the tribal landowner to go do this. So the
7 minute the company told us no, we are letting the NRC
8 know, along with BLM, and some other sites, that that
9 is what we want to do.
10 When we say we want to do a TCP survey, it
11 doesn't mean driving by the site and getting off and
12 looking at one site or two. What we're talking about
13 is going -- confirming what you guys are reviewing
14 right now from Augustana College. That's what we're
15 talking -- that's what needs to happen.
16 MS. YILMA: And if -- you are saying from
17 the traditional cultural properties perspective, not
18 necessarily archaeological sites, or are you saying
19 both?
20 MR. IN THE WOODS: I mentioned those
21 federal laws that apply to government-wide
22 consultation. That's what I'm talking about -- all
23 those laws that apply that were just mentioned
24 earlier. That's what I'm talking about.
25 And you say government to government

1 consultation, that's what has to happen.

2 MR. CATCHES ENEMY: Mike Catches Enemy

3 again. I've got a question relayed through me, but

4 the -- to step back in the process a little further,

5 even before the cultural survey or archaeological

6 surveys were done, how does maybe the company or who

7 is issuing the permit to, you know, grant the right of

8 way or the access for Augustana to be there? That's

9 the question I think.

10 MS. YILMA: Would that be BLM's -

11 MS. ATKINS: Basically, what -- the

12 company is the one that brought that forward. The BLM

13 minister of public lands, they get a field work

14 authorization form from us to -- a permit to go out

15 there and look on. But the rest of the tribal plan is

16 the private landowners interpretation, let them come

17 in. And the private landowner is in agreeance with

18 Powertech, so they had no problem with it.

19 And what happened in the boundary, I don't

20 know.

21 MR. CLOUTHIER: Can you go back to your

22 slide where it shows how many archaeological sites

23 were found? We've got 200 archaeological sites, four

24 of them eligible for nomination. Were all of these

25 sites evaluated for nomination, or are some of them

1 still unevaluated?

2 MS. YILMA: Some of them are still

3 unevaluated.

4 MR. CLOUTHIER: And how are you guys going

5 to address the unevaluated sites? Are they going to

6 be considered as potentially eligible, or are they

7 considered to be -

8 MS. YILMA: Actually, we had a discussion

9 with the state archaeologist yesterday. And in South

10 Dakota, unevaluated sites are treated as potentially

11 eligible. And one of the things we are doing is we

12 are looking at these unevaluated sites and determining

13 whether they need to be further evaluated.

14 MR. CLOUTHIER: I would --

15 MS. YILMA: We don't have enough

16 information to determine if they are eligible.

17 MR. CLOUTHIER: You are going to run into

18 problems, then, because some of those unevaluated

19 sites are actually traditional cultural properties,

20 according to the tribes.

21 For instance, stone circle sites had

22 cairns, which the tribes all have their own beliefs on

23 what those actually are, and their own knowledge of

24 what those are. And the archaeologists don't

25 understand that for the most part.

1 And I can tell you that we do not like
2 testing on those sites, and we are going to be trying
3 to test those sites. It's going to be interesting.
4 MS. YILMA: And we are hoping, from our
5 consultation with the various tribes, we would hear
6 more about traditional cultural properties, and any
7 type of restrictions that remain during the process,
8 our review process. We still haven't completed our
9 reviews. It's still in the very early stages at this
10 point.
11 MR. CLOUTHIER: The other issue with those
12 archaeological sites as well, the ones that are
13 identified by Augustana College -- for instance, I
14 know they have identified cairns, and they have
15 identified stone circle sites.
16 There is no guarantees that what they have
17 identified is the complete picture of what is actually
18 at that site, which is why the TCP study needs to be
19 done, because quite often, for instance, when Jim was
20 mentioning earlier the wind farm, I could see -- and
21 I'm not qualified to identify TCPs in any way, shape,
22 or form, I'm just going off of what has been shown to
23 me.
24 I could see stuff within their pictures
25 that they were missing directly related to what they

1 identified as a site. And I'm talking, you know, not
2 even the distance from me to the woman sitting across
3 away from where they were standing and identifying the
4 stone circle. And it was definitely related to that
5 site, but it ended up being outside the boundary of
6 that site, and you are going to run into those issues,
7 too.
8 If they have determined that these sites
9 are not eligible, and it is a traditional cultural
10 property, those sites all need to be reevaluated
11 during the TCP study, assuming that there is one,
12 which we are pushing for.
13 MS. YILMA: Yes. Yes?
14 MR. RED CLOUD: I want to say something
15 about treaty and tribal lands. Nobody can take away
16 from the rights, the consent away from the Lakota
17 people. Who gave you consent? So what you're doing
18 here, you're just wasting your time. Nobody else can
19 give you consent.
20 MR. WHITTED: Jim Whitted. I would like
21 to ask Paige and the SHPO's office to comment on the
22 importance of traditional cultural property surveys.
23 MS. OLSON: Well, I think, you know, I
24 would recommend one. The number of sites listed in
25 this area given the proximity to the Black Hills. You

1 know, I would recommend one, so I think it's -- you
2 know, there is a big difference between an
3 archaeologist -- what an archaeologist sees and what,
4 you know, an elder sees. I mean, there is a vast
5 difference, and I think that can illustrate that, but
6 I would recommend one.
7 MR. WHITTED: Thank you.
8 MS. YILMA: Any other questions?
9 MR. VANCE: Can we go back to your map
10 with the acreage? The number of acres there that -- I
11 think 240 by BLM and 10,000 --
12 MS. YILMA: Approximately 10,500.
13 MR. VANCE: Okay. The question is is on
14 that -- what of the 240 does BLM have -- is it
15 minerals or -
16 MS. ATKINS: That's surface, and that
17 surface is also the minerals.
18 MR. VANCE: Okay.
19 MS. ATKINS: There's other federal
20 minerals in there, but we don't have any say in what's
21 going on with them. But there's -- the 240 acres is
22 BLM-administered surface.
23 MR. VANCE: And how about the 10,000
24 acres, what is that? Who is that -- is that all
25 private? Are there minerals in there that --

1 MS. YILMA: It's all private minerals.

2 MS. ATKINS: It's part of the surface.

3 It's other federal minerals, but there is no decision

4 to be made on those other -- on federal minerals.

5 MR. WHITTED: That other BLM?

6 MS. ATKINS: No, except for the ones under

7 the BLM surface.

8 MR. WHITTED: BLM has none under that

9 10,500 acres?

10 MS. ATKINS: That it is going to make any

11 decisions on.

12 MR. WHITTED: Yes, we know where that's

13 at.

14 MS. ATKINS: So there are -- under the

15 1872 mining law, which involves some other things we

16 are going to talk about, but that has -- says that if

17 the private landowner is in agreeance with the mining

18 claim, then there is no decision from the Federal

19 Government on use of those federal minerals that are

20 under the 1872 mining law.

21 So, therefore, there is no -- I don't have

22 with me right now what the mineral ownership is. I

23 will have a map tomorrow on that, so you can look at

24 what -- where the federal minerals are. But there are

25 other federal minerals there, but we have nothing to

1 -- no decisions to be made on those minerals.

2 MS. YILMA: Any other questions?

3 (No response.)

4 Thank you for coming today, and I'll turn

5 it back over to Kevin.

6 MODERATOR HSUEH: Okay. Thank you.

7 MR. VANCE: Steve Vance again from

8 Cheyenne River. I've got a suggestion to NRC here

9 that being as we requested to go back in and identify

10 and evaluate sites, particularly TCPs, traditional

11 cultural properties, but also other historic

12 architectural, whatever the -- you know, shows up on

13 the property, but maybe NRC can see that that is a

14 concern of tribes, that your next project, prior to

15 letting college students in or other archaeologists

16 in, bring us into the loop then.

17 So if there is another permit that is

18 going to go in, you are going to send an archaeologist

19 out there, notify the tribe, so that we can get some

20 personnel together to go out there and do that survey

21 then. So we are not driving by later and looking out

22 the window and then heading on. Like Bryce said,

23 boots on the ground.

24 You know, if we're there at that time,

25 then we don't have to bring this comment back up

1 again, because every project is going to be that way.
2 And here we are talking about three different
3 locations, you know, thinking that maybe all of these
4 three projects should be addressed separately, but
5 here we are at the table talking about three different
6 locations. And, you know, again --
7 MS. YILMA: So you basically want the
8 applicants conducting the survey to have tribal
9 involvement.
10 MR. VANCE: To have tribes involved then.
11 And we're coming in at the end.
12 MS. YILMA: I just want to clarify, early
13 on when we started consulting with tribes, the surveys
14 are done even before the application is submitted to
15 the applicant -- I mean, to NRC.
16 That is a good -- good feedback, and we
17 can probably communicate that back to the applicant as
18 they are preparing their applications for -- future
19 applications that they are conducting the survey,
20 potentially find out who tribal representatives may be
21 interested and, you know, including them in the
22 survey.
23 MR. VANCE: Then, we can discuss the
24 application. So maybe, you know, at the next project,
25 when you are going to send an archaeologist out, you

1 have the tribes in.

2 MS. YILMA: Okay.

3 MR. KLUKAN: If I might make one

4 suggestion -- not as an attorney, just as an

5 interested stakeholder in this decision process.

6 There has been a lot of talk about TCP surveys.

7 What I would suggest for the tribes that

8 are interested in pursuing that, if you want to see

9 the NRC take action for any of these sites, is to

10 submit written information or whatever you think is --

11 any justification, what that would look like as well,

12 would be really useful to us in making our decision,

13 and helping us figure out what we need to do, because

14 we don't have the greatest amount of experience with

15 this type of thing, so anything -- proposals, how it

16 would work, why it's needed, what areas, stuff like

17 that, any information I think would be very useful to

18 the NRC in figuring this out.

19 MS. YILMA: I just want to go around to

20 see if people have additional comments?

21 MODERATOR HSUEH: And, Mike, you wanted to

22 say a words to end our session -

23 MR. CATCHES ENEMY: I think the tribes had

24 wanted to get together and have a caucus, and we had

25 planned on doing that a little earlier. But we are

1 still real appreciative of all the comments, and
2 appreciate you being here to listen in on those
3 comments.
4 And I think the main comments, you know,
5 if we feel threatened, you know, we live here, we
6 raise our children here, our grandchildren, that's our
7 main stakeholders that we are speaking for. There is
8 a lot of other people that aren't here to speak, and
9 we have to be those voices, to a certain degree, for
10 them.
11 So we may -- we may have even missed some
12 things to tell you that we need to probably put in
13 writing. But for the most part, it's good that you
14 guys can be here and be receptive to hear this. And
15 this is the -- I guess is the first part of many more
16 to come.
17 So thanks for coming, and I am -- we will
18 probably just take a break, and then, as you guys are
19 cleaning up, we could just use this room here.
20 MODERATOR HSUEH: Okay. Thank you,
21 Michael. And thank you --
22 MR. CLARK: Kevin, can I make three quick
23 comments on issues that Michael raised earlier?
24 First, we would encourage you -- we have three
25 attorneys here, Patty Jehle, myself, and Brett Klukan.

1 We would strongly encourage you, if you have legal
2 questions, to talk to your own attorneys. You have
3 good attorneys representing all the tribes, as well as
4 the various government agencies.
5 Second, your attorneys, they are your
6 legal representatives. They are always welcome at
7 meetings like this. We tried to convey that that was
8 the case. When we sent out the draft agenda, we
9 listed the names of Patty and Brett Klukan. At the
10 time, we didn't know if I was going to show up here.
11 But your attorneys, please let them know that they are
12 always welcome at this type meeting.
13 Third, if your attorneys have questions,
14 they are certainly free to contact us -- Patty Jehle,
15 Mike Clark, or Brett Klukan. So please let them know
16 that.
17 And that's all. Thank you.
18 MODERATOR HSUEH: Okay. Thank you, Mike.
19 I just wanted to say we really appreciate
20 that, and we will carefully consider all your concerns
21 and comments, especially we have a court reporter here
22 to record all the conversation that we have, so we do
23 have a record of it. We can review it over time and
24 carefully consider all your comments, so thank you.
25 MR. CATCHES ENEMY: One last question,

1 Kevin. Will the tribe be able to order a copy of the
2 transcript?
3 MODERATOR HSUEH: Yes. When it's
4 available, we will be able to provide it to you.
5 MR. CATCHES ENEMY: Okay. Thank you.
6 MODERATOR HSUEH: Thank you. So at this
7 moment, I would like to ask the NRC staff and the
8 contractor to leave, and then I think that tribal
9 representatives, they would like to have a
10 conversation.
11 (Whereupon, at 4:45 p.m., the proceedings in the
12 foregoing matter were adjourned.)
13
14
15
16
17
18
19
20
21
22
23
24
25