



## NUCLEAR REGULATORY COMMISSION RULES IN FAVOR OF OGLALA SIOUX TRIBE AND LOCAL CITIZENS

FOR IMMEDIATE RELEASE: December 23, 2016

CONTACT: Lilius Jarding, Ph.D., Clean Water Alliance: 605-787-2872  
Sarah Peterson, It's All About the Water: 605-890-2930

RAPID CITY, S.D. -- The federal government's Nuclear Regulatory Commission (NRC) today supported the Atomic Safety and Licensing Board's (ASLB) 2015 decision in the case about the proposed Dewey-Burdock uranium mine in Fall River and Custer Counties.

The Commissioners ruled that the process for identification and protection of cultural and historical resources was not done properly. The National Environmental Policy Act and related laws require that there be full consultation with tribal governments that may have an interest in cultural and historical resources on a proposed mine site. Government agencies must include tribal elders and officials in the process to identify traditional cultural resources. NRC staff have to go back and do a proper, formal consultation with the Oglala Sioux Tribe on these issues.

The Commission also said that the mining company must properly plug thousands of open boreholes that resulted from past mining. If these holes were not plugged and mining occurred, there would be a high risk of water contamination outside the mining area. According to research by an expert witness in the case, Dr. Hannan LaGarry, there are approximately 7,500 old boreholes on the proposed mine site. "I'm heartened to see the NRC is holding firm on the requirement that the company plug the 7,500 old boreholes," said Gena Parkhurst of Dakota Rural Action, Black Hills Chapter. "Based on expert opinion, the proposed uranium mine in the area of the Fall River/Custer county border could seriously threaten our precious water supplies - there could be both contamination and depletion of our aquifers."

The Commissioners did not revoke Powertech/Azarga's license, despite these problems, although one of the Commissioners said in his dissent that the license should be suspended until the problems are resolved. The Commissioner said that there should be full disclosure of environmental impacts and an opportunity to comment and oppose a license before a license is issued. Sarah Peterson of It's All About the Water said, "I agree whole heartily with the Commissioner who stated Powertech/Azarga's license should be suspended until the Oglala Lakota Tribal issues are resolved and the 7,500 boreholes are properly plugged. We need full disclosure and transparency from Powertech/Azarga in their process of resolving these two issues."

The NRC is the federal government's oversight body for companies that handle radioactive materials. Two of the five current Commissioners dissented from parts of the decision. There are usually seven members of the Commission. The ASLB is composed of administrative judges who make preliminary decisions on the safety and licensing of the handling of nuclear materials. The ASLB held a hearing in Rapid City in 2014 and issued their decision in 2015. Their decision was appealed by the Oglala Sioux Tribe, a group of "consolidated intervenors" that includes local residents and Tribal members, Powertech/Azarga, and the NRC staff.

Also in the news this week, the leadership of Azarga/Powertech's largest shareholder, Platinum Partners, was charged by federal prosecutors with fraud in a \$1 billion scheme to convince investors that Platinum Partners was a stable operation when, in fact, the hedge fund had serious financial problems. This is one of the largest alleged scams in recent years.

"The National Environmental Policy Act requires that the government take a 'hard look' at projects that could hurt the local economy, public health, and the environment. It was written to protect the public from unwise and unsafe projects like this one," said Lilius Jarding of Clean Water Alliance, an expert in federal environmental policy. "I'm glad to see that the Commissioners required further protection of tribal interests and our water."

**BACKGROUND:** Azarga Uranium Corp. (formerly Powertech) proposes to mine uranium in the Black Hills via the in situ leach (ISL) process. The company also plans on building a central processing plant to make its uranium ore into yellowcake and ship the radioactive materials over area roads. Concerns include water quality and quantity issues, land contamination from heavy metals, health effects from radiation releases, endangerment of wildlife, negative economic impacts on tourism and ranching, and historical and cultural resource destruction.

**Dakota Rural Action** is a grassroots family agriculture and conservation group that organizes South Dakotans to protect our family farmers and ranchers, natural resources, and unique way of life. The Black Hills Chapter is a community-based affiliate. [www.dakotarural.org](http://www.dakotarural.org)

**It's All About the Water** is a grassroots movement in the southern Black Hills educating and working to stop radioactive and heavy metal pollution of our water supply.

**The Clean Water Alliance** is a diverse collection of citizens concerned about the health, environmental, and economic impacts that proposed uranium mining projects would have on our communities, people, economy, and natural resources. Our goal is to prevent uranium mining in the Black Hills region, and to protect our valuable resources for future generations. [www.bhcleanwateralliance.org](http://www.bhcleanwateralliance.org).