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NUCLEAR REGULATORY COMMISSION

Title: Crow Butte Resources, Inc.

Docket Number: 40-8943-OLA

ASLBP Number: 08-867-02-OLA-BD01

Location: Teleconference

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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HEARING

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In the Matter of: : Docket No.
CROW BUTTE RESOURCES, INC. : 40-8943-OLA
: ASLBP No.
(License Renewal for : 08-867-02-OLA-BD01
the In Situ Leach Facility :
Crawford, Nebraska) :

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Tuesday, July 12, 2016

Teleconference

BEFORE :
MICHAEL M. GIBSON, Chair
BRIAN K. HAJEK, Administrative Judge
RICHARD E. WARDWELL, Administrative Judge

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P R O C E E D I N G S

1:04 p.m.

1
2
3 JUDGE GIBSON: Good afternoon. This is
4 Judge Gibson. The court reporter is on the line. We
5 are here today on a teleconference following the
6 Atomic Safety and Licensing Board's issuance of our
7 Partial Initial Decision in Docket No. 40-8943
8 concerning the Nuclear Regulatory Commission's renewal
9 of a source materials license to Crow Butte Resources,
10 Inc. for its in situ leach mining operation near
11 Crawford, Nebraska.

12 The Partial Initial Decision that was
13 issued on May 26th of this year covered our ruling
14 only with respect to Contention 1, and with respect to
15 the adequacy of the environmental assessment and its
16 review of traditional cultural properties in the
17 license area, and the NRC staff's consultation with
18 Indian tribes regarding those traditional cultural
19 properties.

20 The Board will be issuing a subsequent
21 Partial Initial Decision which addresses the remaining
22 contentions later this year.

23 I would like to begin today by introducing
24 the members of the Board and our law clerk. Then I
25 will invite the parties to introduce themselves.

1 Afterwards, I will provide a short summary of where we
2 are with respect to Contention 1. And then we will
3 afford the NRC staff an opportunity to update us
4 concerning its proposed steps to cure the
5 Environmental Assessment and the traditional cultural
6 properties review.

7 Finally, I will invite the intervenors and
8 Crow Butte to comment, if they wish to, on the plan.
9 And we may have a discussion at that point, we may not
10 need to. But in any event, we'll afford everyone an
11 opportunity.

12 Additionally, I should mention that the
13 Board members should feel free to interject with any
14 questions they might have as they arise.

15 So, first, for introductions, with me on
16 the phone are other members of the Board, Judge
17 Richard Wardwell and Judge Brian Hajek.

18 We are also joined by our law clerk, Alana
19 Wase, and by Judge Fred Oliver, who is a member of the
20 licensing board for the Crow Butte license amendment
21 proceeding. Next, I would like the parties to
22 introduce themselves beginning first with Crow Butte.

23 MR. SMITH: This is Tyson Smith, counsel
24 for Crow Butte Resources. Also on the line is Mike
25 Thomas, the Director of Safety, Health and

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1 Environmental Quality for Cameco Resources. And then
2 I believe I also heard Mark McGuire, counsel for Crow
3 Butte also, on the line.

4 JUDGE GIBSON: Thank you.

5 Counsel for the Nuclear Regulatory
6 Commission staff?

7 MR. CYLKOWSKI: Good afternoon. This is
8 David Cylkowski for the NRC staff. Also with me in
9 the room are Marcia Simon and Emily Monteith, also
10 counsel for the NRC staff.

11 And then from the staff in the room we
12 have Nathan Goodman, Jessie Quintero and Lydia Chang.
13 And I believe that Diana Diaz-Toro may be on the line
14 listening only.

15 JUDGE GIBSON: Okay. Counsel for the
16 tribe?

17 MR. REID: This is Andrew Reid appearing
18 for the Oglala Sioux tribe.

19 JUDGE GIBSON: Counsel for Consolidated
20 Intervenors?

21 MR. FRANKEL: David Frankel here for
22 Consolidated Intervenors.

23 JUDGE GIBSON: Okay.

24 MR. BALLANCO: And Tom Ballanco also for
25 Consolidated Intervenors.

1 JUDGE GIBSON: Okay. Did I miss anyone?

2 (No response.)

3 JUDGE GIBSON: Very well. One last
4 preliminary matter. We plan to make this transcript
5 public. So, in the event that in the course of our
6 discussion today we touch on any subjects that would
7 concern your client, if they were made public, please
8 note that in the record at the time it is discussed so
9 that the court reporter will know. Thank you.

10 With those introductory remarks out of the
11 way, I would like to turn to the Board's ruling. As
12 you know, the Board concluded the cultural surveys
13 that the NRC staff performed and incorporated into the
14 Environmental Assessment did not receive the hard look
15 required by the National Environmental Policy Act.
16 And that the NRC staff failed to comply with its
17 obligations under the National Historic Preservation
18 Act.

19 As a result, we have retained jurisdiction
20 over this proceeding for the limited purpose of
21 reviewing the NRC staff's curative actions.

22 In our decision, we noted that we do not
23 direct the NRC staff regarding the specifics about how
24 it should achieve compliance with NEPA or with the
25 National Historic Preservation Act, but it is our hope

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1 that this conference call will be a productive
2 platform for the NRC staff to present its plans and to
3 receive comments from the parties.

4 A theme in our discussion was the
5 importance of communication particularly between the
6 NRC staff and Indian tribes both generally and with
7 respect to the identification of traditional cultural
8 properties. We view this teleconference as yet
9 another opportunity to further this important dialog.

10 So, with that, I would like to ask the NRC
11 staff how it plans to proceed.

12 MR. CYLKOWSKI: Yes, Your Honor. This is
13 David Cylkowski for the staff again. And at the
14 outset, I would like to stress notwithstanding what's
15 presented today, the staff's planning is ongoing on
16 the course of its subject to revision or adjustment
17 based on any new information received be that at the
18 teleconference today, from the other parties, or
19 throughout the process.

20 So, to give an overview of the path
21 forward, the staff plans to retain a contractor with
22 specific experience and knowledge of Lakota
23 traditional cultural properties to assist the NRC in
24 its identification efforts.

25 The goal will be a targeted survey of the

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1 license area, and I'll describe that plan survey in a
2 little bit more detail shortly, and also note that
3 throughout the process the staff will be involving the
4 ACHP's liaison to the NRC to better inform the staff's
5 efforts.

6 Again at the outset while we do recognize
7 that the Board ruled in the staff's favor regarding
8 its consultation obligations, the staff does think
9 it's valuable and does wish to involve the OST in the
10 staff's identification effort going forward.

11 The staff plans to begin up front
12 communications with the OST through phone calls or
13 webinars or whichever avenues are amenable to both the
14 staff and the OST to begin to gather information to
15 support the staff's identification obligation.

16 The staff also plans to invite the OST,
17 including tribal elders, to a face-to-face meeting to
18 discuss potential survey approaches and to begin to
19 receive additional information about potential TPPs in
20 the license area. And the staff plans to maintain
21 ongoing communication with the OST throughout the
22 process.

23 So, the staff and its contractor plan to
24 conduct, again, a targeted survey at the license area.
25 The staff does plan to invite the OST to participate

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1 in and assist with the survey.

2 The survey will be informed and focused by
3 the contractor's experience and knowledge of Lakota
4 cultural properties, the Indian origin cultural sites
5 identified, and the Bozell and Pepperl surveys
6 conducted in the 1980s, any information from
7 literature reviews conducted during the staff's
8 previous identification effort, previous site visits.

9 And then going forward, any discussions
10 with OST tribal elders specifically and generally any
11 information received from the OST throughout the
12 process.

13 If TPPs are identified in the license
14 area, the staff and its contractor will make the
15 required determination whether they are eligible for
16 listing in the National Register and will seek
17 concurrence from the Nebraska State Historic
18 Preservation Officer.

19 If any properties are determined to be
20 eligible for listing, the staff will reopen formal
21 NHPA consultation to assess any adverse effects. And
22 at that point, the staff would invite the original
23 consulting parties back into consultation, including
24 the original 21 tribes for consulting.

25 The staff and its contractor will document

1 its NHPA findings and will send all documentation to
2 the OST for review and a comment period.

3 After this period after considering any
4 comments received from the OST, at that point the NRC
5 plans to publish its NHPA findings for public
6 comments.

7 To cure the deficiencies that the Board
8 identified in the EA, for NEPA purposes the staff and
9 its contractor will collect all additional information
10 obtained throughout its identification effort that
11 I've just described, including information on
12 properties that are identified, but which might not
13 rise to the level of eligibility for inclusion in the
14 National Registry. The staff will then generate a
15 draft supplement to the Environmental Assessment.

16 Consistent with the staff's plan for NHPA
17 documentation, the staff plans to send the final EA
18 and the draft supplement EA to the OST for a review
19 and comment period. And, again, after that period
20 closes, the staff will then publish the draft
21 supplement to the public for public comment.

22 And that's -- that concludes the staff's
23 presentation of its proposed path forward.

24 JUDGE GIBSON: Before anybody wants to
25 comment, I just have one question.

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1 Do you have some sort of a timeline in
2 there of when this will be -- when you're planning on
3 starting and when you're planning on, you know, doing
4 this or doing that?

5 MR. CYLKOWSKI: Your Honor I can tell you
6 --

7 JUDGE GIBSON: There's not a whole lot of
8 time. I realize it's not a specific date, but --

9 MR. CYLKOWSKI: Sure, Your Honor. I can
10 tell you that the staff has already begun the process
11 of claiming its retainer of a contractor. That is
12 still in the early stages. And so at this point, we
13 don't have really a more specific timeline, but I can
14 tell you that the process as a whole has begun.

15 JUDGE GIBSON: Okay. Thank you.

16 Okay. Thank you. Let me ask do any of
17 the parties wish to make any comments at this point?
18 And if so, please identify yourself before you say
19 anything, so the court reporter knows who's speaking.

20 MR. REID: This is Andrew Reid from the
21 Oglala Sioux Tribe.

22 My concern is that we might be setting
23 this up for another -- for the same problems we ran
24 into in the initial survey process in the preparation
25 of the EA.

1 I think the record is clear that one of
2 the main -- or perhaps the main issue that arose
3 during the initial process was who was in control of
4 the process. And we're not talking about just
5 conducting the survey, but the design for the survey.

6 The NRC staff's own witness, Dr. Nickens,
7 at the -- you may recall at the hearings, testified
8 that the -- that the evaluation determinations by the
9 tribal elders perhaps carried more weight than some of
10 that by the non-indigenous or non-Lakota experts and,
11 also, that I think Dr. Nickens agreed with the
12 suggestions from the tribe that any evaluation would
13 require an extended period of residence or occupation
14 of the area by the tribal elders and spiritual leaders
15 to make that determination.

16 I think the suggestion that was made by
17 the tribe's experts, Mike Catches Enemy and Dennis
18 Yellow Thunder, as well as Dr. Lou Redmond, was that
19 of a suggestion that appeared around three months.
20 And I think the -- as I recall, the Board questioned
21 Dr. Nickens who was the NRC staff's expert, as to what
22 he felt would be a reasonable period and he agreed
23 that that was something that should be done in order
24 to conduct the evaluation and he suggested a period of
25 one month would be sufficient. I don't see any of

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1 that really incorporated within this process.

2 If we end up with a situation where the
3 NRC staff simply contracts out to somebody of their
4 choosing and the proposal doesn't require that that
5 entity have any indigenous people on them, just that
6 they have some Lakota knowledge or knowledge of the
7 interest of the tribes, that could be a non-Indian
8 anthropologist that had studied the history of the
9 tribe.

10 There has -- and we're running into -- and
11 we would be running into the same situation that there
12 really isn't any true tribal participation in this
13 process. Both in the design and in the way it's
14 carried out, it will appear very paternal to the
15 tribe.

16 We -- the suggestion has been from the
17 beginning is that the tribes be -- take the lead on
18 this. The tribe takes the lead on both designing the
19 procedures for the evaluation and in conducting the
20 evaluation in cooperation with the NRC, not that the
21 NRC does it within the -- the NRC staff does it within
22 the -- with the solicitation or the cooperation of the
23 tribes. That's what we tried before and it really
24 didn't work very well.

25 The second part of this that I can see is

1 that it's really focused on compliance with the NHPA.
2 I think it was clear both from the Board's decision,
3 as well as from the hearing, is that NEPA requires
4 more.

5 And the focus of, for example, the focus
6 of the long-term visit -- and it doesn't necessarily
7 mean that there has to be an encampment at the site.
8 It can be -- but there has to be a long-term access to
9 the site so that the elders and the spiritual leaders
10 at a time of the year and times of day of their
11 choosing, a determination as are necessary for them to
12 determine where the likely habitation sites would have
13 been during the treaty period and also where the
14 ceremonial -- likely ceremonial sites are. And as
15 well as its determined its existing spiritual
16 significance, which is part of the culture of the
17 tribe.

18 It's recognized that the Crow Butte is a
19 vision quest site. There are certainly ceremonial
20 areas in that area. And that cannot be determined
21 without a long-term presence of the -- and long-term
22 access -- and I'm speaking in terms of one to two --
23 one to three months access to the area by the tribal
24 elders and the spiritual leaders.

25 And I don't -- and that should be done

1 according to what their needs are, because they're the
2 ones that can make that determination. And so, what
3 are the appropriate times of the year and day which
4 are consistent with their traditions and spiritual
5 requirements to make those determinations.

6 I'm just real concerned that the way that
7 it's being designed or proposed by the NRC staff --
8 and I appreciate their efforts to do this, but they're
9 essentially presenting the same thing they did before
10 and I don't see this as being a true corrective
11 measure.

12 What the tribe would suggest is simply
13 that the tribe and the NRC have some -- NRC staff have
14 some preliminary meetings where they sit down and
15 actually work together and it's either the tribe takes
16 the lead or they're in a co-lead position with the NRC
17 staff in making these determinations. And that's
18 respectful of the tribe's interest in this area, as
19 well as their position as a sovereign nation and
20 respects their -- the relationship, nation-to-nation
21 relationship between the federal government and the
22 tribe in terms of making this determination. It's
23 less of a paternalistic relationship that solves that.

24 I guess fundamentally those are -- those
25 are my comments on that. I'm not trying to downplay

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1 the science involved in archaeological surveys and
2 cultural resource surveys under the NHPA, but I just
3 think that it's -- I think what we're talking about is
4 far more here.

5 Some examples where -- that we've seen in
6 the past would be like at Devil's Tower or at Bear
7 Butte where the cultural resource surveys included
8 respect for the spiritual and ceremonial needs and
9 interests of the indigenous people that were involved
10 in those areas.

11 And I think with Crow Butte here, that we
12 have to at least consider that and make a
13 determination on those values as well, which may not
14 fall specifically under the National Historic
15 Preservation Act, but that would be more of a NEPA
16 concern, as well as under the duty to consult.

17 JUDGE GIBSON: Okay. Before you respond,
18 Mr. Cylkowski, I was thinking we might allow -- see if
19 Consolidated Intervenors have anything else to say,
20 and then let the Crow Butte speak. And then you can
21 try to respond to all of them rather than trying to
22 get into this piecemeal; is that okay?

23 MR. CYLKOWSKI: Yes, Your Honor. Thank
24 you.

25 JUDGE GIBSON: Okay. Consolidated

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1 Intervenor, Mr. Reid was very articulate, I think,
2 about the concerns that he has that we would end up,
3 you know, starting down the same path and end up with
4 the same problems and this is how we might remedy it.

5 Are there -- rather than simply repeating
6 what he said, are there any other specific suggestions
7 or concerns that you have that Mr. Reid did not say?

8 MR. FRANKEL: Yes, Your Honor. David
9 Frankel for Consolidated Intervenor.

10 First, I would like to commend the NRC
11 staff in this proceeding for the last eight years.
12 We've not ever been hesitant to be critical. And so,
13 I would like to commend some thoughtfulness and --
14 that went into the overview of the approach that Mr.
15 Cylkowski outlined.

16 I think it shows some thought and
17 consideration and that at least on behalf of my
18 clients who are the individuals and the tribal
19 members, you know, like Owe Oke and like Debra White
20 Plume, you know, it feels like the NRC is moving in
21 the direction of a respectful dialog. So, I want to
22 compliment them and appreciate them for that.

23 I know that you might not want to take
24 much time on that, but it's worth saying in light of
25 the litigious conflict we've had here. So, thank you

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1 NRC staff, for involving these parties, and tribal
2 elders specifically, and looking to instruct its
3 contractor to do that and have communications which
4 may be still up for legal debate, but would seem to
5 foster this process. So, thank you.

6 Specifically, I would like to see some
7 continued understanding that there is overlap, but a
8 distinction between the tribal government, the IRA
9 government which is an administrative institution, and
10 the tribal elders, some of whom like Debra White Plume
11 know other tribal elders who have information. So, we
12 would like to see the intervenors formally copied in
13 this process, notified of meetings.

14 We would like to see transcripts of
15 meetings published so that people with relevant
16 knowledge can become aware of what's been said and
17 bring forward any information that they might have to
18 this process.

19 We would like to see the -- some level of
20 cultural sensitivity included by this contractor. Mr.
21 Reid mentioned that it could be a non-native person
22 with a degree who has studied Lakota ways. That would
23 still leave a huge gap, I think, as far as cultural
24 sensitivity goes.

25 And I think a lot of the conflict that has

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1 occurred has -- could be traced to a non-understanding
2 -- not an intentional misunderstanding, but some non-
3 understanding about how the Lakota do things and
4 expect things to be done compared to how an
5 administrative agency works.

6 So, I think we can avoid some of those
7 repeated mistakes and some further litigation the more
8 that there's a cultural sensitivity component to this
9 process.

10 The third and the last point I'd like to
11 make is that I really urge a careful reading of some
12 of Dr. Redmond's testimony when he was asked what
13 should have been done, and some of Mike Catches' and
14 Dennis Yellow Thunder's testimony about what should
15 have been done, because what I recall hearing was Dr.
16 Redmond testified that his -- the agency and the
17 company came to the tribe, he says, in a good way.

18 And that means, you know, that goes back
19 to the cultural issues, but that could mean having one
20 informal, non-binding meeting where people could
21 actually talk and express their concerns without it
22 being on the record.

23 And I know there are costs associated with
24 things, but in the interest of getting off on the
25 right foot, it really might be a good idea to run a

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1 buffet at the Justice Center and invite some people to
2 come and just, you know, meet each other. So, that's
3 one point.

4 And then finally, I think that as long as
5 the tribe and the tribal elders and the intervenors
6 who are tribal members can be part of this process, I
7 think there's a good chance we could avoid that kind
8 of further litigation and mistakes that happened in
9 the past. So, thank you for giving me a chance to
10 communicate my thoughts on the record.

11 JUDGE GIBSON: Thank you, Mr. Frankel.

12 Mr. Ballanco.

13 MR. BALLANCO: Thank you, Your Honor. Tom
14 Ballanco for Consolidated Intervenors.

15 I don't have really anything more to add
16 than to echo what Mr. Reid and Mr. Frankel said.
17 Although, I would like, unfortunately, to point out
18 that one of my clients, an intervenor, Beatrice Long
19 Visitor Holy Dance, is no longer with us and I suppose
20 is enjoying these proceedings with Judges Rosenthal
21 and Cole.

22 So, I do encourage us to continue moving,
23 you know, I don't want to skip anything, but swiftly
24 is better where that is possible. Thank you.

25 JUDGE GIBSON: Thank you, Mr. Ballanco.

1 All right. Mr. Smith, do you have
2 anything that you would like to share with us about
3 your concerns about how this might be designed and
4 structured?

5 MR. SMITH: Sure. Thank you, Judge
6 Gibson. This is Tyson Smith for Crow Butte Resources.

7 I guess our first point is that we don't
8 really have a major concern with the substance of the
9 NRC staff's proposal. It's clearly geared towards
10 addressing the specific deficiencies that were
11 identified in the Board decision. And I think it's
12 certainly adequate for that purpose and probably even
13 a little bit beyond what would be necessary to address
14 those deficiencies.

15 That said, I think we do have a number of
16 concerns with the timing of the NRC staff's efforts in
17 this regard. And I think given the status of the
18 uranium markets and some of the site spacing, some
19 very -- it's very sensitive to economics right now and
20 we're concerned about the fees and the resources that
21 would be associated with this effort, I think it would
22 be appropriate for the NRC staff to delay any of these
23 efforts until after the Commission rules on the
24 pending appeal of the Board's decision on Contention
25 1.

1 There's -- the Commission could, for
2 instance, add new or different requirements that might
3 send us back to the drawing board rendering all this
4 effort in the interim unnecessary. Alternatively, the
5 Commission could rule in Crow Butte's favor and also
6 render this work unnecessary. So, we would strongly
7 prefer to see the NRC staff wait to initiate this
8 effort until after the Commission rules on our appeal
9 of Contention 1 partial initial decision.

10 JUDGE GIBSON: Thank you, Mr. Smith.

11 Okay. You've heard the NRC staff, you've
12 heard the concerns that have been expressed by the
13 parties.

14 Do you have anything you'd like to say in
15 reply?

16 MR. CYLKOWSKI: Just briefly, Your Honor.
17 This is Dave Cylkowski again for the NRC staff.

18 We -- the staff appreciates all of the
19 input that we just heard and will certainly consider
20 all of the input as it will consider any information
21 received throughout this process.

22 As I stated at the beginning, this is
23 still planning the early stages and the staff is
24 receptive to input or comments from the other parties
25 and from the tribe.

1 To respond in particular to a couple of
2 comments, Mr. Smith's concern about the timing of the
3 staff's efforts, I could say the staff currently does
4 not plan to wait until the conclusion of any
5 Commission review understanding the length of time
6 that might pass between now and -- and at that point,
7 the staff does plan on expeditiously moving forward.

8 The staff does not anticipate any
9 significant fees or resources on Crow Butte's part
10 that should stem from this effort. This is a --
11 planned to be a staff-led effort. And while we
12 appreciate Mr. Smith's concern on that point, we --
13 well, we don't anticipate that.

14 Mr. Reid commented on the distinction
15 between the NHPA requirements and the NEPA
16 requirements in this case. And I do want to stress
17 the staff does understand that NEPA requires, and as
18 the Board stressed in its decision, NEPA may require
19 more of -- may require certain additional efforts that
20 NHPA did not require.

21 And I think the staff is sensitive to
22 that, which is, you know, part of what NEPA requires
23 is public participation especially with interested
24 stakeholders. And I think that the staff's path
25 forward really does allow for significant

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1 participation and hopes for significant participation
2 from the tribe and from elders in particular.

3 And in addition, I understand that NEPA
4 may require consideration of impacts to TPPs that may
5 be located, but maybe not eligible for the National
6 Register. And the staff does plan to address those as
7 well in its draft supplement to the Environmental
8 Assessment.

9 In terms of Mr. Reid's concerns about the
10 tribe's level of participation in design and execution
11 of the survey, as was presented in the staff's
12 proposal, we will be, you know, soliciting and hoping
13 for OST's participation throughout the process
14 beginning in the very short term with establishing
15 ongoing communications, soliciting input for the
16 design of the survey, having meetings regarding the
17 design of the survey and inviting and hoping that the
18 OST participates in the execution of the survey as
19 well.

20 But one thing I do need to stress is that
21 NHPA obligations do fall on the Agency and that this
22 must be a staff-led effort and that that is the
23 staff's claim going forward. And that concludes my
24 remarks. Thank you.

25 JUDGE GIBSON: Okay. It is -- it's not

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1 the Board's duty to get involved in this at this
2 point. I know you're trying to make this happen and
3 doing the best you can.

4 The only piece of advice that I think we
5 might give you is to listen both to Crow Butte and to
6 the concerns of the tribe early on, because you don't
7 want to end up creating problems for yourself or for
8 them in what you do.

9 And it does sound to me like from what --
10 the music behind the words here from both Mr. Smith
11 and from Mr. Frankel, Ballanco and Reid, is that it
12 would really be nice if they were consulted in the
13 beginning and had an opportunity to make suggestions
14 so that you don't end up designing something here
15 that's going to end up creating new problems.

16 But, again, that's just an observation.
17 You can take it for what it's worth, but that does --
18 that's what I'm hearing these people tell you.

19 MR. CYLKOWSKI: Thank you, Your Honor. I
20 think everyone on the call is on the same page on that
21 point. Thank you.

22 JUDGE GIBSON: Good.

23 Judge Hajek, Judge Wardwell, do you have
24 anything else to say?

25 JUDGE WARDWELL: Judge Wardwell. I do

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1 not.

2 JUDGE HAJEK: Judge Hajek. I have nothing
3 to add.

4 JUDGE GIBSON: Okay. Very well.

5 Well, it's nice that you've got to come up
6 with a plan and I think you have an opportunity here
7 to, if you consult with these folks, to end up with
8 something that's going to work.

9 Before we adjourn, is there anything else
10 that you all need to bring to the Board's attention?
11 Staff?

12 MR. CYLKOWSKI: Nothing from the staff,
13 Your Honor.

14 JUDGE GIBSON: Mr. Reid?

15 MR. REID: No, Your Honor.

16 JUDGE GIBSON: Mr. Frankel?

17 MR. FRANKEL: Nothing, Your Honor. Thank
18 you.

19 JUDGE GIBSON: Mr. Ballanco?

20 MR. BALLANCO: No, Your Honor.

21 JUDGE GIBSON: Mr. Smith?

22 MR. SMITH: Hi. This is Tyson Smith for
23 Crow Butte. I hate to break up. I know we're almost
24 wrapping up. I just wanted to confirm what I
25 understood Mr. Cylkowski to have said.

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1 Did I hear you say that the NRC would not
2 be -- would not be charging Crow Butte for any of this
3 effort related to addressing the deficiencies
4 identified by the Board?

5 If that was the case, you know, that might
6 affect our opinion on the timing and whether -- in the
7 scope of this.

8 MR. CYLKOWSKI: This is David Cylkowski.
9 That's correct.

10 MR. SMITH: Okay. Thank you.

11 JUDGE GIBSON: Well, with that, then we
12 will stand adjourned and we will be getting a report
13 from the -- a status report from the staff before too
14 long on this, I take it.

15 MR. CYLKOWSKI: Yes, Your Honor. The
16 first of the month, I believe, our next status report
17 is due.

18 JUDGE GIBSON: Fantastic. Well, we all
19 look forward to that and best of luck and thank you
20 again. Have a good day.

21 MR. CYLKOWSKI: Thank you.

22 (Whereupon, the above-entitled matter went
23 off the record at 1:39 p.m.)

24

25