

From: [Jeffery C. Parsons](#)
To: [Cylkowski, David](#)
Cc: [Monteith, Emily](#); [Diaz Toro, Diana](#); [Jamerson, Kellee](#); [Roman-Cuevas, Cinthya](#); [TrinaLH@ogla.org](#); "Travis Stills"; "McFadden, Lane (ENRD)"
Subject: [External_Sender] RE: RE: Letter regarding coordination of a tribal survey at the Dewey-Burdock in situ uranium recovery project.
Date: Wednesday, May 17, 2017 4:46:30 PM

Thank you for the re-issued letter, David. Based on my understanding, Ms. Lone Hill was out of the THPO position starting April 12 and only this week has had her office emails and phone systems re-established. Further, as you may know, the U.S. EPA has set May 19 as the deadline for comprehensive comments on the draft Underground Injection Control (UIC) permits for the Dewey-Burdock Project. The posted record for those draft permits includes thousands of pages of materials: <https://www.epa.gov/uic/dewey-burdock-permit-application> As a result, the Tribe's resources devoted to the Dewey-Burdock issues are currently fully utilized in reviewing the records and preparing comments on the EPA UIC draft permits. As a result, the Tribe anticipates a response to NRC Staff's letter no later than May 31. Hopefully, NRC Staff understands this situation and can accommodate this relatively short delay.

Jeffrey C. Parsons
Senior Attorney
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540
(303) 823-5738

From: Cylkowski, David [mailto:David.Cylkowski@nrc.gov]
Sent: Monday, May 8, 2017 12:49 PM
To: Jeffery C. Parsons <wmap@igc.org>
Cc: Monteith, Emily <Emily.Monteith@nrc.gov>; Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>; Jamerson, Kellee <Kellee.Jamerson@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; TrinaLH@ogla.org; 'Travis Stills' <stills@frontier.net>; 'McFadden, Lane (ENRD)' <Lane.McFadden@usdoj.gov>
Subject: RE: RE: Letter regarding coordination of a tribal survey at the Dewey-Burdock in situ uranium recovery project.

Mr. Parsons,

Thank you for your April 28, 2017 email informing us of the status of the Oglala Sioux Tribe's Tribal Historic Preservation Office personnel.

Following receipt of your email, the NRC Staff contacted the Advisory Council on Historic Preservation, the State Historic Preservation Office, and the Oglala Sioux Tribe's Natural Resources Regulatory Agency in an effort to identify the appropriate point of contact for the Oglala Sioux Tribe. Based on the Staff's efforts, it is our understanding that Ms. Lone Hill was not serving as the Tribal Historic Preservation Officer for approximately one week. We

understand that Ms. Lone Hill then returned to her position as Tribal Historic Preservation Officer and is currently serving in that position. Please let us know if our understanding of the Tribal Historic Preservation Office's current personnel situation is incorrect.

As a result of these unforeseen circumstances, the Staff plans to reissue its April 14, 2017 offer of a survey opportunity of the Dewey-Burdock Project area and extend the date by which a response is requested to May 19, 2017. The Staff also plans to extend the available dates for a site survey to include August 2017. The Staff plans to reissue the offer letter before the close of business today.

Best regards,

David Cylkowski
Counsel for the NRC Staff

David Cylkowski

Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
301.287.9125 | David.Cylkowski@nrc.gov | O15-A37

From: Jeffery C. Parsons [<mailto:wmap@igc.org>]
Sent: Friday, April 28, 2017 12:48 PM
To: Monteith, Emily <Emily.Monteith@nrc.gov>; Cylkowski, David <David.Cylkowski@nrc.gov>
Cc: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>; Jamerson, Kellee <Kellee.Jamerson@nrc.gov>; 'Travis Stills' <stills@frontier.net>; 'McFadden, Lane (ENRD)' <Lane.McFadden@usdoj.gov>
Subject: [External_Sender] RE: Letter regarding coordination of a tribal survey at the Dewey-Burdock in situ uranium recovery project.

Ms. Monteith and Mr. Cylkowski, I wanted to reach out to you regarding NRC Staff's letter earlier this month regarding the Dewey-Burdock matter. I have been informed that Ms. Lone Hill is no longer Tribal Historic Preservation Officer of the Oglala Sioux Tribe. Unfortunately, this change in the Tribe's lead staff will necessarily result in some delay as new personnel are put in place and brought up to current. As such, a finalized response by May 5, as requested in your letter, is not realistic. The Tribe remains committed to continuing the dialogue on coordinating a survey of the Dewey-Burdock property and, although unable to finalize until staff is in place, nevertheless continues to work on a response to your letter. Based on the concepts the parties discussed over our previous conference call and in-person meeting, the response will expand on the Tribe's stated position that key features of a survey should include a qualified contractor to coordinate a survey among the several interested Sioux Tribes based on accepted methodologies and professional standards to identify cultural, religious, and historic resources and the potential adverse effects to those resources. Although this approach contrasts with the most recent NRC Staff proposal, which appears identical to the informal walk-through proposed during the administrative proceedings and disapproved by every affected Sioux Tribal government, the Tribe continues to hold optimism that NRC Staff and the Tribe can reach agreement on a viable survey method. The Tribe understands

NRC Staff's desire to keep things moving, and shares that interest. I will keep you posted on the status of the situation and let you know as soon as possible when we expect to have a response to you.

As this email responds to emails sent by your client to the Oglala Sioux Tribe regarding a matter that is now in federal court litigation, please kindly include myself and Mr. Stills (attorneys of record) on all NRC Staff communications regarding the matter.

Jeffrey C. Parsons
Senior Attorney
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540
(303) 823-5738

From: Diaz Toro, Diana [<mailto:Diana.Diaz-Toro@nrc.gov>]
Sent: Friday, April 14, 2017 3:17 PM
To: TrinalH@oglala.org
Cc: Jamerson, Kellee <Kellee.Jamerson@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Cylkowski, David <David.Cylkowski@nrc.gov>; wmap@igc.org
Subject: Letter regarding coordination of a tribal survey at the Dewey-Burdock in situ uranium recovery project.

Ms. Lone Hill,

Please, find attached a courtesy copy of a letter we have sent the Oglala Sioux Tribe regarding coordination of a tribal survey at the Dewey-Burdock in situ uranium recovery project site.

Regards,
Diana

Diana Diaz-Toro
Project Manager
NMSS/FCSE
301-415-0930
diana.diaz-toro@nrc.gov