

From: Travis Stills
To: [Paul Nickens](mailto:Paul.Nickens@gwtc.net); ostnrranrd@gwtc.net; rst.thpo@rst-nsn.gov; brhodd1@yahoo.com
Cc: [Diaz Toro, Diana](mailto:Diaz.Toro.Diana); [Jamerson, Kellee](mailto:Jamerson.Kellee); [Monteith, Emily](mailto:Monteith.Emily); [Baer, Lorraine](mailto:Baer.Lorraine); [Abe Zeitoun](mailto:Abe.Zeitoun); wmap@igc.org; [Richard Stoffle](mailto:Richard.Stoffle)
Subject: [External_Sender] Re: Summaries of Previous Work at Dewey-Burdock
Date: Wednesday, June 06, 2018 2:30:37 PM
Attachments: [corrected_4910_03-05-10_Memo_and_Order-Protective_OrderML100640405.pdf](#)
[E140912t111538_Powertech_091214or.pdf](#)

Thanks Paul,

I appreciate your effort to address a large volume of information in a short time, particularly in light of restraints imposed by NRC Staff's denial of the OST request to move the survey back by one week, to be conducted June 18- June 29.

Please allow me to reiterate that one prerequisite that requires immediate attention is an update to the NRC's SUNSI Order/Affidavit and OST (and other Tribe's) confidentiality agreements, intellectual property agreements, and similar protections afforded when addressing the locations and cultural/spiritual context of Traditional Cultural Properties. Confidentiality is a key aspect of the survey. NRC's existing SUNSI order and affidavit are attached, but needs to be updated. We look forward to NRC Staff providing proposed updates to conform with federal law and the current circumstances. The OST has similar requirements, which will be provided separately, in due course. Please circulate any other forms, releases, affidavits, etc. that NRC, Powertech or SC&A plan to use during the cultural resources survey, especially the field survey.

As discussed on the call yesterday, the work plan looks like NRC Staff's previous use of an open site survey, which has been rejected by the Sioux Tribes and orders of the ASLB, and the Commission. I appreciate the acknowledgement of Dr. Stoffle and yourself that an open site approach is not an accepted methodology, and efforts under time constraints to pull together a sound methodology. Per your request, we will use SC&A's suggested work plan to provide an alternate approach that establishes a sound, yet flexible, methodology before going into the field. To expedite this process, it would be helpful for NRC Staff to provide a copy of SC&A's scope of work and any agreements addressing confidentiality/work product so we can know what tasks NRC has (and has not) authorized SC&A to carry out and any TCP protections NRC Staff has already included in SC&A's contract.

We look forward to SC&A's summary and review of the available information (which goes beyond the information in Powertech's application materials, as amended in 2013), maps discussed on the call, and SC&A's literature review report that NRC is currently reviewing.

We expect to send a proposed schedule around either today or tomorrow.

Travis

cc: Emily Monteith, NRC Staff Counsel

On 6/5/2018 8:49 PM, Paul Nickens wrote:

Kyle and Ben,

As promised during the teleconference call this afternoon, I am attaching two summary documents from the Dewey-Burdock Programmatic Agreement document; the PA itself is not included. Together, these summary documents offer a concise compilation of the previous archaeological efforts (2007-2008) and the 2013 Tribal field surveys. If you find that you have questions on the information presented therein, please let me know.

A third attachment is a summary of a proposed (for consideration by the participating Tribes) initial work plan.

Kyle, I did not receive Mr. Rom's email address. If you could forward these documents to his office, I would appreciate it.

Thanks again for the good conversations of the past few days. I look forward to further discussion of these important issues.

Paul Nickens
SC&A, Inc.
(520) 404-6186

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Travis E. Stills  
Energy & Conservation Law  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
[stills@frontier.net](mailto:stills@frontier.net)  
phone: (970) 375-9231

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