

DeweyBurdPubEm Resource

From: Diaz Toro, Diana
Sent: Tuesday, February 12, 2019 5:47 PM
To: t.brings@oglala.org; Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net); wmap@igc.org; 'Travis Stills'
Cc: Baer, Lorraine; Trefethen, Jean; Roman-Cuevas, Cinthya; Olmstead, Joan; Monteith, Emily
Subject: Draft Summary of the February 8, 2019, Teleconference Meeting - For Review and Comment
Attachments: February 8 2019 Teleconference Meeting-Draft Summary.docx; February 19 2019 Teleconference Meeting-Draft Agenda.docx

Good afternoon,

Attached, please find the draft summary of the February 8, 2019, teleconference meeting regarding the site survey methodology for the Dewey-Burdock in situ uranium recovery project. We are also sharing the draft agenda for our next meeting scheduled on February 19, 2019, at 10:00am MT (12:00pm ET). We have confirmed the availability of all NRC participants and look forward to the discussion.

We welcome your comments on the draft meeting summary and the draft agenda, including comments on the proposed topics and proposed times allotted for discussions on February 19, and would greatly appreciate your response by February 15, 2019. We are also finalizing the draft survey methodology to facilitate discussions at our next meeting on February 19, and will provide that as soon as possible.

Additionally, we considered your request for Ms. Joan Olmstead's references from other Tribes with whom she has previously worked. The NRC staff brought on a member of the Tribal Liaison branch at the request of the Tribe, and Ms. Olmstead is the person that the branch assigned for this position, due in part to her experience as a facilitator. It is not agency practice to seek references for assigned staff from previous external stakeholders. Further, based on the facilitator's role and the purpose and focus of the future discussions (i.e., developing the site survey methodology), we will not be providing references for other Tribes at this time.

Finally, in an effort to continue to focus our engagement and interactions on the development of the site survey methodology, we are proposing the following dates and times for a working meeting the week of February 25. At your earliest convenience, please let us know if any of the proposed dates and times works best or provide alternative dates.

- February 26, 2019, 10:00am MT (12:00pm ET) – 1:00pm MT (3:00 ET) or 1:00pm MT (3:00pm ET) – 3:00pm MT (5:00pm ET)
- February 27, 2019, 10:00am MT (12:00pm ET) – 1:00pm MT (3:00 ET) or 1:00pm MT (3:00pm ET) – 3:00pm MT (5:00pm ET)
- March 1, 2019, 10:00am MT (12:00pm ET) – 1:00pm MT (3:00 ET) or 1:00pm MT (3:00pm ET) – 3:00pm MT (5:00pm ET)

Regards,
Diana

Diana Diaz-Toro
Project Manager

NMSS/FCSE
301-415-0930
diana.diaz-toro@nrc.gov

Hearing Identifier: Powertech_Uranium_Dewey_Burdock_LA_Public
Email Number: 365

Mail Envelope Properties (Diana.Diaz-Toro@nrc.gov20190212174700)

Subject: Draft Summary of the February 8, 2019, Teleconference Meeting - For Review and Comment
Sent Date: 2/12/2019 5:47:28 PM
Received Date: 2/12/2019 5:47:00 PM
From: Diaz Toro, Diana
Created By: Diana.Diaz-Toro@nrc.gov

Recipients:

"Baer, Lorraine" <Lorraine.Baer@nrc.gov>
Tracking Status: None
"Trefethen, Jean" <Jean.Trefethen@nrc.gov>
Tracking Status: None
"Roman-Cuevas, Cinthya" <Cinthya.Roman-Cuevas@nrc.gov>
Tracking Status: None
"Olmstead, Joan" <Joan.Olmstead@nrc.gov>
Tracking Status: None
"Monteith, Emily" <Emily.Monteith@nrc.gov>
Tracking Status: None
"t.brings@ogla.org" <t.brings@ogla.org>
Tracking Status: None
"Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net)" <ostnrranrd@gwtc.net>
Tracking Status: None
"wmap@igc.org" <wmap@igc.org>
Tracking Status: None
"Travis Stills" <stills@frontier.net>
Tracking Status: None

Post Office:

Files	Size	Date & Time
MESSAGE	2332	2/12/2019 5:47:00 PM
February 8 2019 Teleconference Meeting-Draft Summary.docx		27993
February 19 2019 Teleconference Meeting-Draft Agenda.docx		22440

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Priority: Standard
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Sensitivity: Normal
Expiration Date:
Recipients Received:

U.S. Nuclear Regulatory Commission (NRC) Teleconference Meeting Regarding the Site Survey Methodology for the Dewey-Burdock *In Situ* Uranium Recovery (ISR) Project

Draft Summary

Date: February 8, 2019

Time: 12:00 pm ET (10:00 am MT) – 1:30 pm ET (11:30am MT)

Participants:

Cinthya Roman-Cuevas, Branch Chief, NRC
Lorraine Baer, Attorney, NRC
Joan Olmstead, Tribal Liaison, NRC
Jean Trefethen, Project Manager, NRC
Diana Diaz-Toro, Project Manager, NRC
Jerry Spangler, Senior Technical Reviewer, SC&A (NRC Contractor)
Kyle White, Director, Natural Resources Regulatory Agency, Oglala Sioux Tribe
Thomas Brings, Tribal Historic Preservation Officer, Oglala Sioux Tribe
Jeff Parsons, Attorney, Oglala Sioux Tribe
Travis Stills, Attorney, Oglala Sioux Tribe
Ben Rhodd, Tribal Historic Preservation Officer, Rosebud Sioux Tribe
Benjamin Young, Rosebud Sioux Tribe

Purpose:

To introduce the NRC staff and contractor to the Oglala Sioux Tribe, and to discuss the process for future negotiation meetings regarding the continued development of the site survey methodology for identifying Tribal sites of religious and cultural significance at the Dewey-Burdock ISR project.

Draft Summary:

After introductions, Ms. Joan Olmstead discussed the purpose and goals of the meeting and the meeting ground rules. Mr. Kyle White stated that the Oglala Sioux Tribe did not consider the teleconference meeting to be a government-to-government consultation in accordance with the Tribe's Ordinance No. 11-10, "Ordinance of the Oglala Sioux Tribal Council Establishing Procedures for Government-to-Government Consultation Between the Oglala Sioux Tribe and the United States Government, and Other Governments."

Ms. Olmstead confirmed the points of contact for the NRC (Ms. Diana Diaz-Toro and NRC's attorneys) and the Oglala Sioux Tribe (Thomas Brings, Kyle White, and Tribe's attorneys). The Tribe requested the addition of Mr. Jerry Spangler (NRC's contractor) to future oral and written communications. Then the group discussed the frequency of future working meetings to develop the site survey methodology. The Oglala Sioux Tribe indicated that weekly meetings appeared to be a reasonable goal; however, the Tribe's attorneys indicated that the group should remain flexible on the frequency of meetings to adjust for scheduling conflicts or to provide more time to better prepare for future meetings. The Oglala Sioux Tribe representatives and attorneys explained that their availability was limited until the week of February 18, 2019, given previous work commitments. Accordingly, the next working meeting was tentatively scheduled for February 19, 2019, at 10:00am MT (12:00pm ET), pending the availability of one

NRC participant. Notwithstanding, the NRC staff anticipated providing this meeting summary, the draft agenda, and a working document related to the site survey methodology on February 12, 2019. The Oglala Sioux Tribe's goal is to provide comments on this meeting summary and draft February 22, 2019 agenda back to the NRC staff by February 15, and comments on the draft cultural resources methodology document before the February 19 meeting.

The NRC staff also proposed to use a combination of webinars and teleconference calls to conduct the working meetings. Webinars are useful for drafting documents in real time. Mr. Travis Stills, however, explained that webinars can be challenging at times and requested that the material be provided electronically ahead of the meeting in the event that webinars cannot be used. With respect to documentation of the meetings, the NRC staff proposed the use of transcripts to facilitate accurately capturing the information shared and exchanged. The Oglala Sioux Tribe's attorneys, however, shared their concerns that transcribing meetings constrains participants' willingness to engage in open conversations, and that culturally sensitive topics could arise. As a result, the group decided to use written meeting summaries as the documentation vehicle for future meetings. For NRC staff-led meetings, the staff will draft the meeting summary and provide it to the Tribe for their review and comment. The NRC staff stressed the importance of timely finalization of the meeting summaries prior to the next meeting.

The Oglala Sioux Tribe's attorneys also shared their concerns with the Tribal Liaison. The Tribe's attorney stated that they expected the Tribal Liaison's role to be a neutral facilitator, and requested Ms. Olmstead give references from other Tribes with whom she has previously worked. The Tribe's attorneys stated that they expected the Tribal liaison to provide the NRC staff further guidance on tribal culture sensitivity. Ms. Olmstead explained that her role is a facilitator. She will ensure that the NRC staff understands the Tribe's position and recommendations so that an informed decision can be made, but she does not advocate for any one party. She also discussed her background and experience, which includes being a member of the NRC's facilitator program, developing training for NRC staff on Tribal issues and policies, and in her former capacity as an OGC attorney, helping develop the NRC's Tribal Policy Statement, Tribal Protocol Manual, and consulting with other Tribal governments on NRC licensing actions and programs. Ms. Olmstead also stated that she has a B.A. in Anthropology. Ms. Lorraine Baer explained that, due to the facilitator's role and the purpose and focus of the future discussions (i.e., developing the site survey methodology), discussing the tribal liaison's references from other Tribes would not be practical or necessary.

The parties next discussed the Oglala Sioux Tribe's February 22, 2019, meeting of its Tribal Historic Preservation Advisory Council. Mr. Kyle White explained that the Council consists of Tribal Elders that have expertise on historic preservation matters and, accordingly, provide direction to the Tribe and advice to the Tribe's Tribal Council. The expectation would be to continue discussing the site survey methodology at the meeting. Mr. White also stated that the Council had been given the Oglala Sioux Tribe's June 15, 2018, cultural resources survey methodology proposal. Mr. White requested that the NRC staff consider that proposal without focusing on the budget. The NRC staff anticipated attending the meeting on February 22. The Tribe anticipates sharing the Tribal Historic Preservation Advisory Council meeting agenda the week of February 11, 2019.

Finally, with respect to the working document that the NRC staff is developing, the document consolidates information that has been previously shared and discussed in different documents (e.g., the NRC's March 16, 2018 Approach, and the November 21, 2018, NRC letter) and meetings with the Tribes (e.g., June 2018 meetings), and builds upon that information with the

goal of using it as a starting point for discussions and to facilitate the development of the methodology. The staff stated that their goal was to share this document with the Tribes by February 12, 2019.

Action Items:

- The next working meeting was tentatively scheduled on February 19, 2019, at 10:00am MT (12:00pm ET). The NRC staff needed to confirm availability of one participant.
- The NRC staff will share the following documents with the invited Tribes by February 12, 2019:
 - Draft summary of February 8, 2019, teleconference call
 - Draft agenda for the February 19, 2019, meeting
- The Oglala Sioux Tribe's goal is to provide comments on these documents to the NRC by February 15, 2019.
- To the extent possible, the NRC staff will share the draft cultural resource survey methodology to be used as a starting point for discussion by February 12, 2019.
- The Oglala Sioux Tribe's goal is to provide comments on this document to the NRC before the next meeting on February 19, 2019.

DRAFT AGENDA

Subject: U.S. Nuclear Regulatory Commission (NRC) Teleconference Meeting Regarding the Site Survey Methodology for the Dewey-Burdock *In Situ* Uranium Recovery (ISR) Project

Date: February 19, 2019

Time: 10:00am MT (12:00pm ET) – 1:00pm MT (3:00 ET)

Bridge line and Webinar Information: TBD

Purpose: To discuss and develop the site survey methodology for identifying Tribal sites of religious and cultural significance at the Dewey-Burdock ISR project.

Draft Agenda:

- Introductions – 5 mins, NRC Tribal Liaison
 - NRC staff
 - Oglala Sioux Tribe
 - Invited Tribes

- Purpose and Goals – 5 mins, NRC Tribal Liaison

- Meeting Ground Rules – 5 mins, NRC Tribal Liaison

- Site Survey Methodology Framework – 10 mins, NRC staff
 - NRC's March 16, 2018 Approach
 - Atomic Safety and Licensing Board Panel's October 30, 2018, Order

- Introduction and Outline of the Site Survey Methodology – 2 hrs
 - Overview and description of the document, NRC staff and contractor
 - Discussion of Draft Site Survey Methodology – All parties
 - Objectives and Goals
 - Terms and Parameters
 - Methodologies Considered

- Feb. 22, 2019, Meeting – 5 minutes, Oglala Sioux Tribe
 - Meeting Planning Updates

- Next Steps –10 mins, NRC staff
 - Key Decisions and Action Items