



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

Hearing Exhibit

Exhibit Number:

Exhibit Title:

DeweyBurdPubEm Resource

From: Jeffrey C. Parsons <wmap@igc.org>
Sent: Wednesday, December 5, 2018 6:21 PM
To: Baer, Lorraine; Monteith, Emily
Cc: t.brings@oglala.org; ostnrranrd@gwtc.net; 'Travis Stills'; Diaz Toro, Diana
Subject: [External_Sender] Oglala Sioux Tribe response to NRC Staff November 21, 2018 letter

Dear Ms. Baer and Ms. Monteith,

The Oglala Sioux Tribe ("Tribe") has received the NRC Staff's letter dated November 21, 2018. The letter requests that the Tribe notify NRC Staff by December 5, 2018 as to whether the Tribe is willing to continue discussions regarding the site survey methodology. Assuming the Tribe is willing to continue discussions, the letter also asks the Tribe share its specific objections to the NRC Staff's proposed survey methodology, or the Tribe's alternative survey methodology proposal, by December 28, 2018.

As to the first component, the Tribe has determined that it is willing to continue discussions regarding the site survey methodology.

However, the Tribe is concerned that the NRC Staff letter appears to reinforce several of the difficulties encountered in June of 2018 due to the insufficient time for the contractor to come up to speed and challenges presented by Tribal laws, customs, and protocols that are unfamiliar to NRC Staff. In the Tribe's view, developing a suitable methodology requires: 1) prompt involvement of an NRC Staff contractor that has the necessary experience and training, particularly experience in matters related to Oceti Sakowin culture; and 2) a protocol for effective communication between the NRC Staff (including the contractor) and the Tribe's personnel and contractors. The Tribe asserts that reasonable steps can be taken in the short-term to remedy these problems. These steps include both coordinating with the Tribe in the selection of a contractor to ensure the selected person/firm possesses the necessary experience and training, and providing for the involvement of that contractor as soon as possible to begin discussions on a suitable methodology. Based on previous experience, the communications protocols between the Tribe and NRC Staff could also benefit from the engagement of a qualified representative from the NRC Staff Office of Federal, State and Tribal Liaison Branch, which the Tribe understands has a mission of, and experience in, coordinating Tribal participation in NRC Staff activities.

As to NRC Staff's request for the Tribe to provide specific information by December 28, 2018, the Tribe anticipates that a detailed response by that date is not feasible for several reasons, including the lack of qualified contractor's advice and input into the NRC Staff's proposal. Further, a substantial portion of the Tribe's cultural resources staff is due to take leave in the last half of December. In addition, there are Tribal ceremonies in the first half of December for which the relevant Tribal staff is already committed. Lastly, the Tribe's legal counsel is anticipating the need to spend considerable time in December responding to Powertech's recently filed Petition for Interlocutory Review of LBP-18-05, among other filing deadlines. As such, the Tribe proposes an alternate response time-line of mid-January.

The Tribe looks forward to discussing these matters further.

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From: Jeffrey C. Parsons

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