


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of: POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)	
	ASLBP #: 10-898-02-MLA-BD01
	Docket #: 04009075
	Exhibit #: NRC-216-00-BD01
	Admitted: 8/28/2019
	Rejected:
Other:	Identified: 8/28/2019
	Withdrawn:
	Stricken:



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:

From: [Roman-Cuevas, Cinthya](#)
To: [Jeffrey C. Parsons](#); [Diaz Toro, Diana](#)
Cc: t.brings@ogla.org; "Kyle White"; "Travis Stills"; [Baer, Lorraine](#); [Monteith, Emily](#); [Olmstead, Joan](#); "JERRY SPANGLER"; [Trefethen, Jean](#)
Subject: [RESPONSE]: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda
Date: Friday, March 15, 2019 7:52:37 AM

Dear Mr. Parsons,

We have received the Oglala Sioux Tribe's response to our March 1, 2019 letter. After careful consideration of your letter, it is the NRC staff's view that it would not be productive to proceed with additional meetings as suggested by the Oglala Sioux Tribe. It appears that fundamental disagreements remain regarding the scope of the site survey methodology negotiations. Accordingly, the NRC staff supports moving forward with the teleconference with the Board and parties next week to discuss next steps.



From: Jeffrey C. Parsons [mailto:wmap@igc.org]
Sent: Tuesday, March 12, 2019 6:40 PM
To: Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>
Cc: t.brings@ogla.org; 'Kyle White' <ost.naturalresources.director@gmail.com>; 'Travis Stills' <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; 'JERRY SPANGLER' <jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>
Subject: [External_Sender] RE: RE: Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Ms. Román, please find attached the Oglala Sioux Tribe's response to the NRC staff's March 1, 2019 letter. As discussed previously, we look forward to a conference call in the coming days in order to keep the discussion of developing a methodology progressing. The relevant Tribal officials are keeping the proposed conference call time available. Thank you.

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

From: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>
Sent: Thursday, March 7, 2019 2:27 PM
To: Jeffrey C. Parsons <wmap@igc.org>
Cc: t.brings@ogla.org; 'Kyle White' <ost.naturalresources.director@gmail.com>; 'Travis Stills' <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; 'JERRY SPANGLER' <jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>
Subject: RE: RE: Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Mr. Parsons,

Thank you, we look forward to the Oglala Sioux Tribe's response early next week.

Regards,
Diana

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

From: Jeffrey C. Parsons [<mailto:wmap@igc.org>]
Sent: Thursday, March 07, 2019 2:23 PM
To: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>
Cc: t.brings@ogla.org; 'Kyle White' <ost.naturalresources.director@gmail.com>; 'Travis Stills' <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; 'JERRY SPANGLER' <jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>
Subject: [External_Sender] RE: Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Thank you Ms. Diaz-Toro, we are working on a response to NRC Staff. However, the NRC Staff's request for concrete positions rather than the give and take discussion that was anticipated, along with the need to coordinate availability of Tribal officials and counsel, necessitates a bit more time. We currently anticipate getting back to you early next week, in time to plan for a conference call on the 13th. Thank you.

Jeffrey C. Parsons
Senior Attorney

Western Mining Action Project
P.O. Box 349
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From: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>
Sent: Wednesday, March 6, 2019 1:23 PM
To: Jeffrey C. Parsons <wmap@igc.org>
Cc: t.brings@oglala.org; Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net)
<ostnrranrd@gwtc.net>; Travis Stills <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>;
Monteith, Emily <Emily.Monteith@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; JERRY SPANGLER
<jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>
Subject: RE: Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Dear Mr. Parsons,

The NRC staff is considering your request to reschedule the planned March 5, 2019 meeting for the week of March 11. Before confirming a date, however, we would like to understand if we can expect a written response by this Friday, March 8, 2019. Based on the Tribe's concerns and requests we heard on February 19 and 22, we need to understand the Tribe's willingness to proceed within the previously negotiated parameters.

As mentioned in my earlier email, we held the call open for some additional time in case other Tribes intended to call. Mr. Ben Rhodd of the Rosebud Sioux Tribe, who called into the meeting and followed-up via e-mail, shared that some of the invited Tribes are not available on March 12. Based on the availability of the invited Tribes, we are proposing the following alternative dates for a potential follow-up meeting:

Wednesday, March 13 at 1:00pm MT (3:00pm ET)
Thursday, March 14 at 10:00am MT (12:00pm ET) or 1:00pm MT (3:00pm ET)

Regards,
Diana

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

From: Diaz Toro, Diana
Sent: Tuesday, March 05, 2019 12:12 PM
To: Jeffrey C. Parsons <wmap@igc.org>
Cc: t.brings@oglala.org; Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net)

<ostnrranrd@gwtc.net>; Travis Stills <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; JERRY SPANGLER <jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>

Subject: RE: Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Mr. Parsons,

Thank you for letting us know you will not be participating in the meeting today. We will hold the call open for 15 minutes in case other Tribes intended to call in to inform them that the meeting has been canceled.

We look forward to the Oglala Sioux Tribe's response by March 8.

Regards, Diana

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

From: Jeffrey C. Parsons [mailto:wmap@igc.org]

Sent: Tuesday, March 05, 2019 11:44 AM

To: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>

Cc: t.brings@ogla.org; Oglala Sioux THPO - Kyle White (ostnrranrd@gwtc.net) <ostnrranrd@gwtc.net>; Travis Stills <stills@frontier.net>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Monteith, Emily <Emily.Monteith@nrc.gov>; Roman-Cuevas, Cinthya <Cinthya.Roman-Cuevas@nrc.gov>; Olmstead, Joan <Joan.Olmstead@nrc.gov>; JERRY SPANGLER <jerry_cpaa@comcast.net>; Trefethen, Jean <Jean.Trefethen@nrc.gov>

Subject: [External_Sender] Re: March 5, 2019 Teleconference Meeting - Teleconference Number and Agenda

Good morning Ms. Diaz-Toro - we have received the letter from NRC Staff sent late in the day last Friday. As you might expect, the harsh and uncompromising tone of the letter came as a surprise to the Tribe. As you know, the Tribe's counsel on the matter were out of town through Sunday night and have not had the opportunity to review the letter in detail or conclude internal discussions with the Tribe. The draft agenda you sent this morning devotes virtually all of the time for the call today to discussing the Tribe's position on the March 1 letter. The Tribe needs more time for review and discussions and cannot join the call today. The Tribe proposes that the call be rescheduled for a later date. The Tribe suggests Tuesday, March 12, which is the first opportunity for the necessary Tribal participants.

Jeffrey C. Parsons
Senior Attorney

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On Mar 4, 2019, at 2:48 PM, Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov> wrote:

Dear Mr. Brings and Mr. White,

Attached please find the agenda and teleconference information for tomorrow's meeting at 10:00am MT (12:00pm ET). We look forward to the meeting.

Regards,
Diana

Diana Diaz-Toro
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301-415-0930
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<March 5 2019 Teleconference Meeting-Agenda.pdf>