


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 #: BRD-009-00-BD01
	Admitted: 8/28/2019
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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	Withdrawn: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:

## DeweyBurdPubEm Resource

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**From:** Diaz Toro, Diana  
**Sent:** Wednesday, December 12, 2018 4:40 PM  
**To:** Jeffrey C. Parsons; ostnrranrd@gwtc.net; t.brings@oglala.org  
**Cc:** 'Travis Stills'; 'David Frankel'; 'Tom Ballanco'; 'Chris Pugsley'; 'Anthony Thompson'; Monteith, Emily; Baer, Lorraine; Roman-Cuevas, Cinthya; Trefethen, Jean  
**Subject:** RE: Oglala Sioux Tribe response date

Dear Mr. Parsons, Mr. Brings, and Mr. White,

We appreciate the Oglala Sioux Tribe's willingness to continue discussions with the NRC staff regarding the site survey methodology and the Tribe's timely response to the NRC staff's November 21, 2018, letter.

The staff will look forward to the Tribe's written response to the methodology proposed in our November 21, 2018 letter by January 11, 2019. However, we are eager to hear the Tribe's perspective as soon as possible in order to facilitate the negotiations planned for January and February, and ultimately, to resolve the remaining matters of this proceeding. We would encourage a meeting with the Oglala Sioux Tribe where we can introduce the NRC staff to the Tribe's new THPO, answer questions the Tribe may have regarding the NRC staff's proposal described in its November 21, 2018 letter, and discuss how the parties can most effectively communicate with one another. If the Tribe is available to meet prior to submitting the written response on the 11th, please let us know as soon as possible.

Additionally, in response to a question raised at the December 6, 2018 Board teleconference, the Oglala Sioux Tribe's counsel indicated that the Tribe would review and respond to the draft protective order amendment that counsel for the NRC staff previously provided to the Tribe's counsel. Accordingly, the NRC staff requests that the Tribe also provide its views regarding any need for changes to the protective order by January 11, 2019.

We understand the Tribe's reiteration of its request to participate in the staff's selection of a contractor as well as to have input into the contractor's qualifications and scope of work. However, as the staff previously explained during teleconference calls with the Board and parties, federal procurement and contract laws precluded the NRC staff from involving the Oglala Sioux Tribe in the selection of a contractor or development of the scope of work. The staff considered the elements of the March 2018 Approach in the scope of work and, following its contracting process, the staff ultimately awarded its contract to SC&A, Inc. on May 8, 2018. The March 2018 Approach continues to be the framework for the negotiations to finalize the survey methodology, and SC&A, Inc. remains obligated to provide a qualified replacement for Dr. Nickens. When the on-boarding process of that individual is complete, we will notify the Tribe.

Regarding your request to involve a member of the Federal, State, and Tribal Liaison Branch in the upcoming discussions regarding the cultural resources survey methodology, the NRC staff is coordinating with the group to seek their involvement in future meetings. If an individual from the Branch is assigned, his or her role will be focused on facilitating the negotiations on the site survey methodology.

To assist the Board in scheduling a future teleconference, counsel for the staff plans to notify the Board that the staff anticipates a response from the Tribe by January 11, 2019. As the Tribe's expert input is essential to establish a meaningful and comprehensive cultural resource survey, we look forward to the Oglala Sioux Tribe's response.

Sincerely,

Diana Diaz-Toro

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

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**From:** Jeffrey C. Parsons [mailto:wmap@igc.org]  
**Sent:** Monday, December 10, 2018 7:01 PM  
**To:** Baer, Lorraine ; Monteith, Emily ; Diaz Toro, Diana  
**Cc:** ostnrranrd@gwtc.net; 'Thomas Brings' ; 'Travis Stills' ; 'David Frankel' ; 'Tom Ballanco' ; 'Chris Pugsley' ; 'Anthony Thompson'  
**Subject:** [External\_Sender] Oglala Sioux Tribe response date

Ms. Baer and Ms. Monteith,

As discussed on the ASLB conference call on December 6, 2018 in the Dewey-Burdock matter, I am writing to advise you that the Oglala Sioux Tribe intends to provide its detailed response to NRC Staff's November 21, 2018 letter no later than January 11, 2019. Please note that January 11th falls at the end of the first full work week after the various holidays and obligations, and therefore should avoid the pre-scheduled conflicts set out in our previous email sent Dec. 5.

The Oglala Sioux Tribe reiterates its request that NRC Staff allow the Tribe to have input on the selection of a contractor for the cultural resources survey as well as input on the necessary qualifications and the scope of work for the contractor. The Tribe also continues to maintain that involvement by the NRC Federal, State, and Tribal Liaison Branch in the upcoming discussions regarding the cultural resources survey would be appropriate and productive. The Tribe views the involvement of a qualified NRC contractor and Tribal Liaison as beneficial components of the December discussions that are identified in the revised timeline, and respectfully asks NRC Staff to reconsider the positions taken on the December 6 conference call.

That said, the Tribe will continue its efforts to meet the January 11, 2019 deadline. Please advise immediately should NRC Staff move forward with hiring a contractor before that date.

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

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**Hearing Identifier:** Powertech\_Uranium\_Dewey\_Burdock\_LA\_Public  
**Email Number:** 345

**Mail Envelope Properties** (Diana.Diaz-Toro@nrc.gov20181212163900)

**Subject:** RE: Oglala Sioux Tribe response date  
**Sent Date:** 12/12/2018 4:39:54 PM  
**Received Date:** 12/12/2018 4:39:00 PM  
**From:** Diaz Toro, Diana

**Created By:** Diana.Diaz-Toro@nrc.gov

**Recipients:**

"Travis Stills" <stills@frontier.net>  
Tracking Status: None  
"David Frankel" <davidcoryfrankel@gmail.com>  
Tracking Status: None  
"Tom Ballanco" <harmonicengineering@gmail.com>  
Tracking Status: None  
"Chris Pugsley" <cpugsley@athompsonlaw.com>  
Tracking Status: None  
"Anthony Thompson" <ajthompson@athompsonlaw.com>  
Tracking Status: None  
"Monteith, Emily" <Emily.Monteith@nrc.gov>  
Tracking Status: None  
"Baer, Lorraine" <Lorraine.Baer@nrc.gov>  
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"Roman-Cuevas, Cinthya" <Cinthya.Roman-Cuevas@nrc.gov>  
Tracking Status: None  
"Trefethen, Jean" <Jean.Trefethen@nrc.gov>  
Tracking Status: None  
"Jeffrey C. Parsons" <wmap@igc.org>  
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"ostnrranrd@gwtc.net" <ostnrranrd@gwtc.net>  
Tracking Status: None  
"t.brings@oglala.org" <t.brings@oglala.org>  
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**Post Office:**

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