

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2017-0125

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Jeffrey Parsons

DATE:

12/08/2016

DESCRIPTION OF REQUESTED RECORDS:

All agency records, limited to those materials created or obtained by EPA Region 8 after February 4, 2009, related to the Dewey-Burdock (South Dakota) and/or Centennial (Colorado) in-situ leach uranium projects. This was a referral from the U.S. Environmental Protection Agency (EPA).

PART I. -- INFORMATION RELEASED

- ☐ Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- ☒ Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT*

\$

0.00

*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☒ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☒ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☒ You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Nina Argent, Acting FOIA Officer

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**

2017-0125

DATE:

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information is considered to be another type of confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☒ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☒ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☐ Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ Other

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Nina Argent, Acting FOIA Officer	Office of the Chief Information Officer		<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>

To: Shea

Valois

CC:

Date: 2/28/2014 3:54:56 PM

Subject: BLMs lead role

Attachments: IBMgetContent.pdf

Valois,

Please find BLMs letter that designated the NRC as the lead. If you decide to designate us as the lead, I would think your letter will focus on section 106 activities as opposed to NEPA activities stated in this letter.

HY

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>

To: Shea

Valois;Shea

Valois

CC:

Date: 2/26/2013 12:26:50 PM

Subject: Dewey Burdock Addresses (3).docx

Attachments: Dewey Burdock Addresses (3).docx

Valois,

I got your message, attached please find our contact information for all of our tribes we are currently consulting with for the DB project. after getting your message, I called Santee Sioux to confirm who their THPO was and the lady that answered said it is Richard Thomas.

Thanks

HY

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Yilma
Haimanot <Haimanot.Yilma@nrc.gov>
CC: "Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>
"Withrow, Randy" \rwithrow@louisberger.com\" <rwithrow@louisberger.com>
Date: 4/17/2013 2:37:33 PM
Subject: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

All,

The open field survey for the Dewey-Burdock project scheduled for April 2 – May 2, 2013 has been temporarily suspended due to weather conditions at the site. The open field survey will resume on **Wednesday April 24, 2013 at 8am**. The completion date for the survey has been extended from May 2, 2013 to May 17, 2013. The completion date for the survey report has been extended from June 3, 2013 to June 19, 2013. Please contact Mr. Randy Withrow or me, if you have any questions.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Randy Withrow
Sr. Program Manager | Cultural Resources
The Louis Berger Group, Inc.
900 50th Street | Marion, IA 52302
Office: 319.373.3043, ext. 3035
Fax: 319.373.3045
www.louisberger.com

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Yilma
Haimanot <Haimanot.Yilma@nrc.gov>
CC: "Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>
"Withrow, Randy" \rwithrow@louisberger.com\" <rwithrow@louisberger.com>
"Goodman, Nathan" <Nathan.Goodman@nrc.gov>
Date: 4/22/2013 12:15:31 PM
Subject: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

All,

The open field survey for the Dewey-Burdock project scheduled for April 2 – May 2, 2013 has been temporarily suspended due to weather conditions at the site. The open field survey will resume on **Tuesday April 30, 2013 at 8am**. The completion date for the survey has been extended from May 2, 2013 to May 24, 2013. The completion date for the survey report has been extended from June 3, 2013 to June 26, 2013. Please contact Mr. Randy Withrow or me, if you have any questions.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Randy Withrow

Sr. Program Manager | Cultural Resources
The Louis Berger Group, Inc.
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Fax: 319.373.3045
www.louisberger.com

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Yilma
Haimanot <Haimanot.Yilma@nrc.gov>
CC: "'Withrow, Randy' \\\(rwithrow@louisberger.com\\)" <rwithrow@louisberger.com>
"Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>
Date: 4/10/2013 3:30:49 PM
Subject: Dewey Burdock Field Survey Temporarily Suspended due to weatherconditions

All,

The open field survey for the Dewey-Burdock project scheduled for April 2 – May 2, 2013 has been temporarily suspended due to weather conditions at the site. The open field survey will resume on April 22, 2013. The completion date for the survey has been extended from May 2, 2013 to May 15, 2013. The completion date for the survey report has been extended from June 3, 2013 to June 17, 2013. Please contact Mr. Randy Withrow or me, if you have any questions.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Randy Withrow
Sr. Program Manager | Cultural Resources
The Louis Berger Group, Inc.
900 50th Street | Marion, IA 52302
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Fax: 319.373.3045
www.louisberger.com

From: ["Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>](mailto:Yilma.Haimanot@nrc.gov)
To: [Yilma](#)
[Haimanot](#)
CC: ["Hsueh, Kevin" <Kevin.Hsueh@nrc.gov>](mailto:Kevin.Hsueh@nrc.gov)
["Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>](mailto:Kellee.Jamerson@nrc.gov)
["Luhman, Hope \hluhman@louisberger.com\" <hluhman@louisberger.com>](mailto:hluhman@louisberger.com)
Date: 12/23/2013 2:10:58 PM
Subject: Draft Programmatic Agreement for the Dewey-Burdock Project for Review and Comment
Attachments: [Draft PA Dewey-Burdock Project 12-23-13.docx](#)
[Schedule for Section 106 process rev 2.docx](#)
[NRC NRHP Determinations - Table 1.0 for Draft PA 12-13-13.docx](#)
[DRAFT Appendix for the Dewey-Burdock Project PA 12-23-13.docx](#)

All,

On August 30, 2013, the NRC staff distributed a draft Programmatic Agreement (PA) outline to all consulting parties to facilitate a discussion for the development of a PA for the proposed Dewey-Burdock ISR project.

On Friday, November 15, 2013, the NRC staff hosted a webinar to discuss the draft PA outline and solicit feedback from all consulting parties for the development of the draft PA. Participants in the webinar included representatives from Oglala Sioux Tribe, Northern Cheyenne Tribe, South Dakota SHPO, BLM South Dakota and Montana field offices, ACHP, EPA Region 8, and Powertech (USA), Inc. & its consultant.

On Friday, December 13, 2013, the NRC staff hosted a second webinar to discuss the draft PA developed based on feedback received from the November 15, 2013 call. Participants in this webinar included representatives from Northern Cheyenne Tribe, Cheyenne River Sioux Tribe, SD SHPO, BLM South Dakota and Montana field offices, ACHP, EPA Region 8, and Powertech (USA), Inc. & its consultant.

On Tuesday, December 17, 2013, the NRC staff hosted an additional webinar as the consulting parties were not able to go through the entire draft PA on Friday December 13, 2013. Participants in this webinar included representatives from Cheyenne River Sioux Tribe, SD SHPO, BLM South Dakota and Montana field offices, ACHP, EPA Region 8, and Powertech (USA), Inc. & its consultant.

The NRC staff has revised the draft PA based on the feedback received on December 13 and 17, 2013. According to the schedule discussed during the webinars and attached to this email, consulting parties have until **February 5, 2014** to provide comments to the NRC.

The staff encourages other consulting parties to provide feedback on the draft PA even if you were not able to participate in the webinars.

The NRC staff will host another webinar on February 14, 2014 from 9:00 to 11:00 am (MDT) to review comments received and finalize the PA. The NRC staff plans to send out a revised draft PA prior to this webinar and appreciates any feedback prior to that date. Please provide your feedback to me.

For your information, the NRC has invited the following parties to participate in the webinars and the development of the PA:

BLM
SD SHPO
ACHP
Powertech (USA), Inc.
Consulting Tribes (23)
EPA R8

The following consulting parties attend the webinar hosted o 11/5/13, 12/13/13, and 12/17/13:

Webinar Participants	Date: 11/15/13	Date: 12/13/13	Date:12/17/13	Date:02/14/14
ACHP	X	X	X	
SD SHPO Project Review Officer	X	X		
BLM Montana office	X	X	X	
BLM SD Field office	X	X	X	
EPA R8	X	X	X	
Oglala Sioux Tribe	X			
Northern Cheyenne	X	X		
Cheyenne River Sioux		X	X	
Powertech and its consultant	X	X	X	
NRC and its consultant	X	X	X	

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB

U.S Nuclear Regulatory Commission

Phone: 301-415-8029

email: haimanot.yilma@nrc.gov

Mail Stop : T8F05

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>

To: Lloyd

Lisa

CC:

Date: 6/13/2013 11:35:13 AM

Subject: Meeting request with EPA R8 in August 2013

Lisa,

Kevin and Aby (our deputy director) would like to come out and meet with you and Susan and others (as necessary) sometimes in August. The two dates that we were thinking of are the morning of Tuesday August 13 or August 20. Are you and Susan available either of these dates? If so what time in the morning works for you? would 9am be too early?

During the meeting, we also plan to have a brief summary of the status of the Dewey-Burdock, Ross, and Reno Creek projects. we had a similar meeting about two years ago with our then deputy director (Drew Persinko) coming out to meet representative from EPA R8. I don't believe this meeting will be long maybe 1hour to 1:30hours unless there are questions that get asked on the projects above or general NRC related licensing actions.

Here is a draft agenda:

Introductions

Opening remarks by Aby/Susan

Brief status of Ross, Dewey-Burdock, and Reno Creek projects

Q and A (if any)

While we are there, if EPA would like to talk about something specific, we can include that in the agenda as well.

Johari Moore and I will be there to talk about the Ross and DB project and Jill Caverly will be on the phone to talk about the Reno Creek project.

Thanks

Haimanot Yilma

Project Manager

FSME/DWMEP/EPPAD/ERB

U.S Nuclear Regulatory Commission

Phone: 301-415-8029

email: haimanot.yilma@nrc.gov

Mail Stop : T8F05

From: "Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>

To: Shea

Valois;

CC:

Date: 5/8/2013 2:07:14 PM

Subject: NRC Tribal Leaders Meeting

Hi Valois,

I received a call from Terry Clouthier a few weeks ago (because he was unable to reach Haimanot at the time) and he mentioned that during a discussion with you, you had inquired whether a bridgeline would be available for the subject meeting. I told Terry that I would check with the meeting coordinator and my management about that and get back to you. So in response to your question, there will not be a bridgeline set up for this meeting. This meeting is not specific to the Dewey-Burdock Project, but rather a Government-to-Government meeting to discuss all of the uranium recovery projects that are currently under NRC review.

If you have any other questions, feel free to contact Haimanot or myself.

Thanks

Kellee Jamerson

Environmental Scientist
FSME/DWMEP/EPPAD/ERB
U.S. Nuclear Regulatory Commission
E-mail: Kellee.Jamerson@nrc.gov
Phone: (301) 415-7649
Mail Stop: T-8F5

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Steve <Vance>
CC: "Bob Walters" <b_walters40@yahoo.com>
beneeeagle2@hotmail.com
brhodd1@yahoo.com
"dianne desrosiers" <dyandancerr@yahoo.com>
"Lana Gravatt" <gravattlana@yahoo.com>
"Mary Wilson" <mwilson@standingrock.org>
"Wilmer Mesteth" <ostnrrathpo@gwtc.net>
"Robin Lebeau" <r_turningheart@yahoo.com>
"Ryman Lebeau" <rymanlebeau@gmail.com>
"Ted \"Buddy\"
"Knife Jr" <t_knifejr@hotmail.com>
"Waste\"Win Young" <wyong@standingrock.org>
"Wanda Wells" <wandawells@midstatesd.net>

Date: 4/19/2013 3:25:57 PM

Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Attachments: Reporting and Confidentiality.docx

Good Afternoon Steve,

Thank you for contacting the NRC and expressing your views on the current survey approach that is being carried out for the Dewey-Burdock (DB) project. As you are aware, this approach was developed following more than 14 months of consultation with tribes through 3 face-to-face meetings, 3 teleconferences, and many letters, emails, and phone calls to each of the participating Tribes. Our goal has always been to provide an opportunity for all interested tribes to participate in the ongoing Section 106 process for the DB project. Below, please find answers to your specific questions:

- 1) Is there going to be a meeting to discuss an agreeable survey and time frame or is this just what Tribes have to except without consultation?

Since our first face-to-face meeting in June of 2011, the NRC staff has consulted actively with all interested Tribes to develop an approach agreeable to all consulting parties for identification of historic properties of religious and cultural significance to the Tribes. After more than 14 months of consultation, the consulting parties were not able to reach agreement on a Statement of Work to conduct a field survey. On October 12, 2012, the NRC staff sought input from all interested Tribes regarding an alternate approach to carry out this survey (see ML12286A310). In response to this letter, NRC received a joint proposal prepared by Kadrmas Lee Jackson (KLJ), the Turtle Mountain Band of Chippewa Indians, and the Three Affiliated Tribes. This proposal was

shared with all consulting parties. The staff received statements of opposition and concern regarding this approach from many of the Sioux Tribes. In a letter to all interested tribes dated December 14, 2012, the staff addressed those concerns, proposed to postpone the field survey until Spring 2013, and requested input from Tribes on content of the proposed programmatic agreement (PA) (see ML12335A175).

Recognizing that there was continued disagreement among consulting parties regarding an appropriate level of effort for completing a field survey, NRC staff decided to offer a more open survey approach. On February 8, 2013, the staff sent a letter to all interested tribes offering to open the entire 10,580-acre license area for field surveys for a period of 30 days. No conditions were placed on the survey methods employed to identify places of interest, and financial support was offered in the form of a lump-sum grant of \$10,000.00 to each tribe plus travel and per diem expense reimbursement for as many as three representatives from each tribe. The staff followed up with interested tribes to confirm they had received the letter and to answer questions about this new open survey approach. The staff received written statements from several tribes objecting to the proposed open survey approach but also received expressions of interest from a number of other tribes.

The NRC staff's decision to offer an open survey approach was intended to be responsive to requests that each tribe be afforded an opportunity to conduct its own surveys of the project area, as well as requests that tribes be allowed access to the entire license area. This open site approach also allows each tribe to employ whatever methodology it deems appropriate in order to identify places of religious and cultural significance. This open site approach has been used by other Federal agencies to identify sites of religious and cultural significance to Tribes.

As you can see from the reference letters, the NRC staff has in fact, communicated to the Tribes that we were switching from an SOW approach to an "open site" approach. The staff has also clearly communicated to the Tribes the time-frame for the field survey (see ML13039A366).

- 2) There are many unanswered questions with this survey and these were not addressed in any of the correspondences from NRC. I am greatly concerned as it seems this model is being used for all the other proposed uranium projects in ancestral territories of the Lakota (Sioux).

NRC has not committed to following any single survey approach for all future In Situ Recovery applications. The staff is committed to meeting the requirements of Section 106 and the staff recognizes that different applications may warrant different approaches for identifying sites that may potentially be eligible for the NRHP. The staff would note, however, that the field survey approach used by the staff here is one that has been used by other Federal agencies to identify NRHP-eligible properties.

- 3) Again I will state that I have no objections to other Tribes having the opportunity to identify their cultural resources, but I am not agreeable on them identifying for other Tribes which also hold Cultural and Religious Significance to this area.

This is another reason why the staff switched from the SOW approach to its current approach. Rather than relying on a designated survey group that may not include representatives of all Tribes, the staff's current approach allows each consulting Tribe to send representatives that the Tribe considers qualified to identify sites of religious or cultural significance to a particular Tribe.

- 4) It will be interesting to see the final report for proper identification and total acres surveyed.

As outlined in our February 8, 2013 letter (see ML13039A366), each participating tribe will present their findings to NRC in the form of a written report. In response to tribes' concerns about site confidentiality, NRC staff has requested that survey information be reported in the form of two separate documents: one suitable for public disclosure that describes the nature of the survey work but withholds information about site locations and site interpretation, and a second confidential document that includes site location information and recommendations regarding site eligibility and avoidance. The staff plans to

circulate the public report to all consulting parties when it becomes available; however, the confidential report information will be withheld from disclosure or shared with other consulting parties in strict accordance with the wishes of the tribe(s) who produced the report.

As communicated in our February 8, 2013 letter (see ML13039A366), the participating Tribes have access to the entire license area, not just areas of direct disturbance. There is, however, one area that is not currently available for survey because it contains the site of a bald eagle nest. This area is being avoided for the duration of the nesting season, but a provision for supplemental survey of this area will be included in the PA the staff plans to develop so that the Tribes have the opportunity to survey this area when it becomes available.

- 5) CRST considers water as a Sacred Object and with the desecration of this Sacred Object by permitted extractive companies it will have long lasting damaging effects on all forms of life.

The staff understands that the CRST considers water as a Sacred Object, and we will continue to take into account the views from the CRST and other consulting parties in accordance with the Section 106 consultation process.

Thank you again for sharing your concerns with us; should you have additional questions, do not hesitate to contact me.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

From: Steve Vance [mailto:cpthpo@lakotanetwork.com]

Sent: Wednesday, April 17, 2013 5:31 PM

To: Yilma, Haimanot

Cc: Bob Walters; beneeagle2@hotmail.com; brhodd1@yahoo.com; dianne desrosiers; Lana Gravatt; Mary Wilson; Wilmer Mesteth; Robin Lebeau; Ryman Lebeau; Ted "Buddy" Knife Jr; Waste'Win Young; Wanda Wells

Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Haimanot Yilma

The Cheyenne River Sioux Tribe (CRST), along with others of the Oceti Sakowin (Sioux Nation), maintains there is cultural and religious significance in the lands in which this survey is being conducted.

The last face-to-face consultation CRST had with the Nuclear Regulatory Commission (NRC) there was a request for a Scope of Work (SOW) from the Tribes. This was

completed and agreed upon between NRC and Tribes. Since the proponent declined the SOW there has been no communication between the NRC and CRST for the development of the present methodology to be utilized for the proposed Dewey- Burdock Project. I am not aware of any other meeting that discussed this method of survey being conducted.

Is there going to be a meeting to discuss an agreeable survey and time frame or is this just what Tribes have to except without consultation?

There are many unanswered questions with this survey and these were not addressed in any of the correspondences from NRC. I am greatly concerned as it seems this model is being used for all the other proposed uranium projects in ancestral territories of the Lakota (Sioux).

Again I will state that I have no objections to other Tribes having the opportunity to identify **their** cultural resources, but I am not agreeable on them identifying for other Tribes which also hold Cultural and Religious Significance to this area.

It will be interesting to see the final report for proper identification and total acres surveyed.

CRST, by Resolution, read for the record to NRC that we oppose any permits for new, re-newel, or expansions of uranium mining in Treaty Territory as we presently live with the contaminants to land, air, and water left from previous mining activities. Protection and preservation of resources is not just for past and present but also the future.

CRST considers water as a Sacred Object and with the desecration of this Sacred Object by permitted extractive companies it will have long lasting damaging effects on all forms of life.

As all NRC staff is aware of who is the Project Manager of each of the proposed uranium projects within the Northern Great Plains, specifically in the vicinity of the Black Hills, I ask that you share this with your constituents.

I also will share my response and comments with other concerned Tribes.

Respectfully

Steve Vance
CRST THPO

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]

Sent: Wednesday, April 17, 2013 2:38 PM

To: Yilma, Haimanot

Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com)

Subject: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

All,

The open field survey for the Dewey-Burdock project scheduled for April 2 – May 2, 2013 has been temporarily suspended due to weather conditions at the site.

The open field survey will resume on **Wednesday April 24, 2013 at 8am.** The completion date for the survey has been extended from May 2, 2013 to May 17, 2013. The completion date for the survey report has been extended from June 3, 2013 to June 19, 2013. Please contact Mr. Randy Withrow or me, if you have any questions.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Randy Withrow
Sr. Program Manager | Cultural Resources
The Louis Berger Group, Inc.
900 50th Street | Marion, IA 52302
Office: 319.373.3043, ext. 3035
Fax: 319.373.3045
www.louisberger.com

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: "Haimanot Yilma <"
"H_yilma@yahoo.com)">
CC: "Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>
"Withrow, Randy" <rwithrow@louisberger.com>
Date: 2/8/2013 1:53:42 PM
Subject: Transmittal of letter to the THPOs for the proposed Dewey-Burdock Project
Attachments: THPO Letter.pdf

Dear Tribal Historic Preservation Officers:

Please find attached a letter inviting the Tribes to participate in an upcoming field survey to identify Properties of Religious and Cultural Significance that maybe affected by the proposed Dewey-Burdock project. The NRC staff will also mail this letter to each Tribal President or Chair with a cc to the THPOs.

If you have any questions regarding this email or its content, please contact Mr. Randy Withrow or myself.

Thank you,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Randy Withrow
Sr. Program Manager | Cultural Resources
The Louis Berger Group, Inc.
900 50th Street | Marion, IA 52302
Office: 319.373.3043, ext. 3035
Cell: 515.441.6497

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>

To: Hanley

Jim;Shea

Valois

CC: "Jehle, Patricia" <Patricia.Jehle@nrc.gov>

Date: 2/11/2014 9:26:22 AM

Subject: ACHP's comment on EPS's Whereas clause.

Jim and Valois,

Below are some of ACHPs comments one the draft PA. maybe we can discuss this during the call as well?

(b)(5)

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

(b)(5)

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>

To: Lloyd

Lisa

CC:

Date: 3/5/2014 11:11:28 AM

Subject: License Condition 12.1

Lisa,

The following is what we are proposing to change the License condition to. So that you have something to refer to while we work on adding the final license available in ADAMS, we have asked Powertech to confirm with this change and placed that confirmation in ADAMS today. Here is the ML number, it should be public today but maybe sometimes later in the day (ML14064A122).

12.1 Prior to commencement of operations in any production area, the licensee shall obtain all necessary Permits, licenses, and approvals from the appropriate regulatory authorities. The licensee shall also submit a copy of all permits for its Class III and Class V underground injection wells to the NRC.

Haimanot Yilma

Project Manager

FSME/DWMEP/EPPAD/ERB

U.S Nuclear Regulatory Commission

Phone: 301-415-8029

email: haimanot.yilma@nrc.gov

Mail Stop : T8F05

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Hanley
Jim
CC:
Date: 2/11/2014 9:47:30 AM
Subject: RE: ACHP's comment on EPS's Whereas clause.

This guidance can be found in 36 CFR 800.6 (c)(1) and <http://www.achp.gov/moa.html>. All consulting tribes may participate as concurring parties.

From: Hanley, Jim [mailto:Hanley.James@epa.gov]
Sent: Tuesday, February 11, 2014 10:33 AM
To: Yilma, Haimanot
Subject: RE: ACHP's comment on EPS's Whereas clause.

Haimanot,

I forwarded these comments from John Edd ns to our counsel, Mike Boydston, but I don't know if he will prepare for them before the call. I think we should raise them because they are important issues to EPA in this PA.

James Hanley
Mining Engineer
Office of Environmental Protection and Remediation
US EPA Region 8
1595 Wynkoop Street, EPR-S
Denver, CO 80202-1129
303.312.6725 (office)
hanley.james@epa.gov

From: Yilma, Haimanot [mailto:Haimanot.Yilma@nrc.gov]
Sent: Tuesday, February 11, 2014 8:26 AM
To: Hanley, Jim; Shea, Valois
Cc: Jehle, Patricia
Subject: ACHP's comment on EPS's Whereas clause.

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(b)(5)

Haimanot Yilma
Project Manager
FSME/DWMER/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301 415 8079
email: haimanot.yilma@nrc.gov
Mail Stop : 78F05

(b)(5)

From: "Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
To: Hanley
Jim
CC:
Date: 2/11/2014 9:36:44 AM
Subject: RE: ACHP's comment on EPS's Whereas clause.

That will be helpful. I should have forwarded them to you on Monday. I apologize for not sharing it early. ACHP sent in their comments on Friday afternoon and I did not get the chance to look through them until Monday morning.

HY

From: Hanley, Jim [mailto:Hanley.James@epa.gov]
Sent: Tuesday, February 11, 2014 10:33 AM
To: Yilma, Haimanot
Subject: RE: ACHP's comment on EPS's Whereas clause.

Haimanot,

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303.312.6725 (office)
hanley.james@epa.gov

From: Yilma, Haimanot [mailto:Haimanot.Yilma@nrc.gov]
Sent: Tuesday, February 11, 2014 8:26 AM
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Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

(b)(5)

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

Nina Argent /S/

Nina Argent
FOIA Officer (Acting)