Message

From: Chin, Lucita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EA404E3F56574242AEE0811A07E309FC-CHIN, LUCITA]
Sent: 5/28/2020 6:27:15 PM
To: Perkins, Erin [Perkins.Erin@epa.gov]
Subject: RE: DB NHPA

No need to apologize!

Lucita Chin
Senior Assistant Regional Counsel |Office of Regional Counsel | Media Law Counseling Section
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From: Perkins, Erin <Perkins.Erin@epa.gov>
Sent: Thursday, May 28, 2020 11:41 AM
To: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: DB NHPA

Great – thanks so very much! I am making progress on getting myself together on this – I am so sorry for all of the delays.

From: Chin, Lucita <Chin.Lucita@epa.gov>
Sent: Thursday, May 28, 2020 11:37 AM
To: Perkins, Erin <Perkins.Erin@epa.gov>
Subject: RE: DB NHPA

It's the hardest system to find. I always do a google search for "NRC Adams" and then click on the web-based adams link.

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From: Perkins, Erin <Perkins.Erin@epa.gov>
Sent: Thursday, May 28, 2020 11:33 AM
To: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: DB NHPA

Hi- thanks so much for the info. I've tried to access the electronic docket on the NRC website (which doesn't seem to be working) as well as Westlaw (which doesn't look like we have authority for NRC's dockets although we have EPA, SEC, etc.) Do you happen to have a link I could use to the docket so I can access the below filing form the Tribe pls? Thanks!

From: Chin, Lucita <Chin.Lucita@epa.gov>
Sent: Thursday, May 28, 2020 11:15 AM
To: Perkins, Erin <Perkins.Erin@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>
Cc: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>
Subject: RE: DB NHPA

No problem. The latest filing was on 2/28/20 and was titled: OGLALA SIOUX TRIBE'S REPLY TO POWERTECH'S ANSWER IN OPPOSITION TO PETITION FOR REVIEW OF LBP-19-10, LBP-17-09

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From: Perkins, Erin <Perkins.Erin@epa.gov>
Sent: Thursday, May 28, 2020 11:11 AM
To: Chin, Lucita <Chin.Lucita@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>
Cc: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>
Subject: RE: DB NHPA

Thanks much!

From: Chin, Lucita <Chin.Lucita@epa.gov>
Sent: Thursday, May 28, 2020 10:48 AM
To: Perkins, Erin <Perkins.Erin@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>
Cc: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>
Subject: RE: DB NHPA

Hey Erin –

The NRC took this back and started negotiating with the Tribe over terms of a new cultural survey. They were trying to come to agreement on methodology (scope of the survey – i.e. – how much would they walk and how big of swaths would they cover) and tribal participation.

In the end, the NRC staff decided they were too far apart from the Tribe and instead of moving forward with the new survey, they filed a motion to end the process. This was before the ASLB. They used the NEPA theory that the information needed was not discoverable (I can't remember the correct terminology, but I am guessing you are familiar with this NEPA reg). This is currently before the full NRC Commission on appeal. I'm guessing that regardless of the outcome, it will be appealed to the DC Circuit again.

I attached the ASLB's decision. Hope that it's helpful.

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From: Perkins, Erin <Perkins.Erin@epa.gov>
Sent: Thursday, May 28, 2020 10:10 AM
To: Boydston, Michael <Boydston.Michael@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Cc: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>
Subject: DB NHPA

Hi Mike –

I'm trying to sort through all of the potential NEPA issues for Dewey Burdock and have just read the DC Cir opinion about how NRC did not comply with NEPA b/c it did not do an adequate cultural resources impacts analysis (setting aside NHPA). Do you know whether NRC did anything further in its cultural resource surveys/analysis to address this opinion. Was a new NEPA document issued? The only thing I could find on the NRC DB webpage was the original 2014 FEIS and the 2014 Final programmatic agreement. Do you know whether NRC did (or is doing) anything further in response to the DC Cir. decision? And if I've asked this question(s) before, I really apologize…!

Thanks,
Erin