

August 12, 2011

Mr. Richard Blubaugh
VP-HS&E Resources
Powertech (USA) Inc.
5575 DTC Parkway
Suite 140
Greenwood Village, CO 80111

SUBJECT: INFORMATION REQUIRED BY THE U.S NUCLEAR REGULATORY COMMISSION STAFF TO SATISFY ITS OBLIGATIONS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT AND NATIONAL ENVIRONMENTAL POLICY ACT TO COMPLETE ITS REVIEW OF THE IMPACTS TO THE CULTURAL RESOURCES FROM THE PROPOSED DEWEY-BURDOCK PROJECT

Dear Mr. Blubaugh:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Powertech (USA) Inc. for a new source material license to permit Powertech to operate the proposed Dewey-Burdock *In-Situ* recovery (ISR) facility. As part of our responsibilities under the National Environmental Policy Act (NEPA), the NRC is conducting an environmental review of Powertech's application. In addition to our NEPA review, the NRC must comply with the National Historic Preservation Act (NHPA). Under Section 106 of the NHPA and its implementing regulations (36 CFR. Part 800), the NRC must take into account the effects that issuing a license to Powertech would have on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the NRC's findings.

In order to comply with NEPA and Section 106 of the NHPA, the NRC must make reasonable and good faith efforts to identify historic properties within the area of potential effects for the proposed Dewey-Burdock ISR facility. Historic properties include properties of traditional religious and cultural importance to one or more Indian Tribes. Based on information gathered during a June 2011 meeting between the NRC and representatives from six Indian Tribes, and based on consultation with the South Dakota State Historic Preservation Officer (SHPO) and the ACHP, the NRC staff has determined that it requires additional information on Traditional Cultural Properties (TCPs) in the area of potential effect for the proposed Dewey-Burdock facility. The NRC staff needs this information not only to fulfill our obligations under Section 106 of the NHPA, but also to fulfill our obligation under NEPA that we assess potential impacts to cultural resources. This information on TCPs would be in addition to the extensive archeological surveys that Powertech has already submitted in support of its license application.

Although the NRC believes that a traditional cultural property survey of the area of potential effect is an effective method to identify these properties; information on TCPs can also be obtained in a variety of ways. For example, site visits by tribal representatives could be used to

R. Blubaugh

2

identify TCPs, or an applicant could hire an archaeologist with experience identifying and evaluating potential TCPs. Alternatively, an applicant could use a combination of these or other methods.

The NRC requests that by August 31, 2011, Powertech submit a written plan for acquiring information on TCPs. Upon receipt of this TCP identification plan, the NRC will determine whether the actions outlined in the plan will provide information sufficient for the NRC to meet any applicable requirements under NEPA and the NHPA.

Attached to this letter for your possible use is a list of Indian Tribes that have expressed interest in historic properties in the area of potential effect for the proposed Dewey-Burdock facility.

Please submit your TCP identification plan to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, DC 20555. If you have any questions or comments, or need any additional information, please contact Ms. Haimanot Yilma of my staff by telephone at 301-415-8029, or by email at Haimanot.Yilma@NRC.gov.

Sincerely,

/RA/

Kevin Hsueh, Branch Chief
Environmental Review Branch-B
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No. 040-09075

cc: See Attached List

identify TCPs, or an applicant could hire an archaeologist with experience identifying and evaluating potential TCPs. Alternatively, an applicant could use a combination of these or other methods.

The NRC requests that by August 31, 2011, Powertech submit a written plan for acquiring information on TCPs. Upon receipt of this TCP identification plan, the NRC will determine whether the actions outlined in the plan will provide information sufficient for the NRC to meet any applicable requirements under NEPA and the NHPA.

Attached to this letter for your possible use is a list of Indian Tribes that have expressed interest in historic properties in the area of potential effect for the proposed Dewey-Burdock facility.

Please submit your TCP identification plan to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, DC 20555. If you have any questions or comments, or need any additional information, please contact Ms. Haimanot Yilma of my staff by telephone at 301-415-8029, or by email at Haimanot.Yilma@NRC.gov.

Sincerely,

/RA/

Kevin Hsueh, Branch Chief
 Environmental Review Branch-B
 Environmental Protection and Performance
 Assessment Directorate
 Division of Waste Management
 and Environmental Protection
 Office of Federal and State Materials
 and Environmental Management Programs

Docket No. 040-09075

cc: See Attached List

ML112170237

OFC	DWMEP	DWMEP	DWMEP	OGC	OGC	DWMEP
NAME	HYilma	JDavis	AWalker-Smith	MClark via email	PJehle via email	KHsueh
DATE	8/03/11	8/03/11	8/11/11	8/09/11	8/09/11	8/12/11

OFFICIAL RECORD COPY

cc:

Marian Atkins
Field Office Manager
South Dakota Field Office
310 Roundup Street
Belle Fourche, SD 57717-1698

Gregory R. Fesko P.G.
Coal Program Coordinator
Branch of Solid Minerals - BLM
Montana State Office
5001 Southgate Drive
Billings, MT 59001

Ms. Paige Hoskinson Olson
State Historic Preservation Officer
900 Governors Drive
Pierre, SD 57501

John Yellow Bird Steele, President
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, SD 57770

Wilmer Mesteth
Tribal Historical Preservation Officer
Oglala Sioux Tribe
P.O. Box 320
Pine Ridge, SD 57770-320

Rodney Bordeaux, Chairman
Rosebud Sioux Tribe
P.O. Box 430
Rosebud, SD 57570-0430

Russell Eagle Bear
Tribal Historical Preservation Officer
Rosebud Sioux Tribe
P.O. Box 658
Rosebud, SD 57570-0658

Michael Jandreau, Chairman
Lower Brule Sioux Tribe
P.O. Box 187
Lower Brule, SD 57548-0817

Ms. Clair Green
Cultural Resource Officer
Lower Brule Sioux Tribe
P.O. Box 187
Lower Brule, SD 57548-0817

Kevin Keckler, Chairman
Cheyenne River Sioux Tribe
P.O. Box 590
Eagle Butte, SD 57625-0590

Steve Vance
Tribal Historic Preservation Officer
Cheyenne River Sioux Tribe
P.O. Box 590
Eagle Butte, SD 57625-0590

Duane Big Eagle, Chairman
Crow Creek Sioux Tribe
P. O. Box 50
Ft. Thompson, SD 57339-0050

Ms. Wanda Wells
Cultural Resource Officer
Crow Creek Sioux Tribe
P. O. Box 50
Ft. Thompson, SD 57339-0050

Anthony Reider, Chairman
Flandreau-Santee Sioux Tribe
P.O. Box 283
Flandreau, SD 57028-0283

Franky Jackson
Cultural Resources Officer
Flandreau-Santee Sioux Tribe
P.O. Box 283
Flandreau, SD 57028-0283

Robert Shepherd, Chairman
Sisseton-Wahpeton Oyate
P.O. Box 509
Agency Village, SD 57262-0509

Ms. Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton-Wahpeton Oyate
P.O. Box 907
Sisseton, SD 57262-0907

Robert Courmoyer, Chairman
Yankton Sioux Tribe
P.O. Box 248
Marty, SD 57361-0248

Ms. Lana Gravatt
Tribal Historic Preservation Officer
Yankton Sioux Tribe
P.O. Box 248
Marty, SD 57361-0248

Jean Stacy, President
Lower Sioux Indian Community
P.O. Box 308
39527 Res Hwy 1
Morton, MN 56270-0308

Antony Mores
Tribal Historic Preservation Officer
Lower Sioux Indian Community
P.O. Box 308
39527 Res Hwy 1
Morton, MN 56270-0308

Cedric Black Eagle, Chairman
Crow Tribe of Montana
Baacheeitche Ave
P.O. Box 159
Crow Agency, MT 59022

Hubert Two Leggings
Cultural Resource Officer
Crow Tribe of Montana
Baacheeitche Ave
P.O. Box 159
Crow Agency, MT 59022

A. T. Rusty Stafne, Chairman
Fort Peck Tribe
P.O. Box 1027
Poplar, MT 59255-1927

Darrell Curley Youpee
Tribal Historic Preservation Officer
Fort Peck Tribes
P.O. Box 836
Poplar, MT 59255-0836

Leroy Spang, Tribal President
Northern Cheyenne Tribe
Tribal Historic Preservation Office
P.O. Box 128
Lame Deer, MT 59043-0128

Conrad Fisher,
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
Tribal Historic Preservation Office
P.O. Box 128
Lame Deer, MT 59043-0128

Charles. W. Murphy, Chairman
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538-0522

Ms. Waste' Win Young
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538-0522

Ms. Myra Pearson, Chairperson
Spirit Lake Tribe
P.O. Box 359
Fort Totten, ND 58335-0359

Ms. Ardis Shaw, THPO
Tribal Historic Préservation Officer
Spirit Lake Tribe
P.O. Box 359
Fort Totten, ND 58335-0359

Roger Trudell, Chairman
Santee Sioux Tribes of Nebraska
108 Spirit Lake Avenue West
Niobrara, NE 68760-7219

Rick Thomas
Tribal Historic Preservation Officer
Santee Sioux Tribe of Nebraska
529 48 Hwy 12
Niobrara, NE 68760

Ms. Rebecca White, Chairwoman
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Gary Robinette
Tribal Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Ivan Posey, Chairman
Eastern Shoshone Tribe
P. O. Box 538
Fort Washakie, WY 82514

Wilfred Ferris
Tribal Historic Preservation Officer
Eastern Shoshone Tribe
P. O. Box 538
Fort Washakie, WY 82514

Jim Shakespeare, Chairman
Northern Arapaho Tribe
Tribal Historic Preservation Office
P.O. Box 396
Fort Washakie, WY 82514

Ms. Darlene Conrad
Northern Arapaho Tribe
Tribal Historic Preservation Office
P.O. Box 396
Fort Washakie, WY 82514