

June 20, 2012

Mr. Darrell Smith
Spirit Lake Tribe
Tribal Historic Preservation Office
P.O. Box 359
Fort Totten, ND 58335

SUBJECT: TRANSMITTAL OF EVALUATIVE TESTING REPORT AND ASSOCIATED MAP

Dear Mr. Smith:

Enclosed please find an Evaluative Testing Report of 20 Sites in the proposed Dewey-Burdock Uranium Recovery project boundary developed by the applicant (Powertech (USA) Inc.). The associated map is also attached for your convenience.

The U.S. Nuclear Regulatory Commission (NRC) is transmitting these documents to you per your request. Please note that some parts of the document and the Map are protected under the National Historic Preservation Act¹ and South Dakota Codified Laws².

If you have any questions or concerns, please contact my staff, Ms. Haimanot Yilma via email at Haimanot.Yilma@nrc.gov or phone at 301-415-8029.

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Supplemental ARC report
2. ARC Map

cc: Chairperson Roger Yankton
Mr. Richard Blubaugh, Powertech (USA) Inc
Mr. Gregory R. Fesko, BLM

¹ Section 304 of the National Historic Preservation Act of 1966, As amended through 2006 [16 U.S.C. 470w-3(a)] concerns the confidentiality of the location of sensitive historic resources:

(a) The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may -

(1) cause a significant invasion of privacy;

(2) risk harm to the historic resources; or

(3) impede the use of a traditional religious site by practitioners.

² The release of records pertaining to the location of archaeological sites is restricted under South Dakota Codified Laws (SDCL), specifically, SDCL § 1-20-21.2, Confidentiality of records pertaining to location of archaeological site—Exceptions. Any records maintained pursuant to § 1-20-21 pertaining to the location of an archaeological site shall remain confidential to protect the integrity of the archaeological site.

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OFC	DWMEP	DWMEP	DWMEP	DWMEP
NAME	HYilma	AWalker-Smith	J. Davis	KHsueh
DATE	6/19/12	6/19/12	6/20/12	6/20/12

OFFICIAL RECORD COPY

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