

## DeweyBurdPubEm Resource

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**From:** Burrows, Ronald  
**Sent:** Friday, March 14, 2014 5:57 PM  
**To:** John M. Mays  
**Cc:** Yilma, Haimanot; Lancaster, Thomas; Richard Blubaugh  
**Subject:** Request concurrence: Need to add termination language to License Condition 9.8

Good evening, John.

We need to add language referring to the Programmatic Agreement (PA) (date and ML # to be inserted when completed) to the fourth draft License Condition (LC) 9.8. In addition, as a result of our discussion with the Advisory Council on Historic Preservation (ACHP), we need to address the potential for the case where the PA is terminated. Therefore, NRC is seeking your concurrence for adding the highlighted text below to draft LC 9.8.

Here is the current language from the fourth draft LC 9.8:

- 9.8 Cultural Resources. Before engaging in any developmental activity not previously assessed by the NRC, the licensee shall administer a cultural resource inventory if such survey has not been previously conducted and submitted to the NRC. All disturbances associated with the proposed development will be completed in compliance with the National Historic Preservation Act (as amended) and its implementing regulations (36 CFR Part 800), as well as the Archaeological Resources Protection Act (as amended) and its implementing regulations (43 CFR Part 7).

In order to ensure that no unapproved disturbance of cultural resources occurs, any work resulting in the discovery of previously unknown cultural artifacts shall cease. The artifacts shall be inventoried and evaluated in accordance with 36 CFR Part 800, and no disturbance of the area shall occur until the licensee has received authorization from the NRC, the South Dakota State Historic Preservation Officer, and the Bureau of Land Management to proceed.

The highlighted text below is the language we need to add to the fourth draft LC 9.8:

- 9.8 Cultural Resources. Before engaging in any developmental activity not previously assessed by the NRC, the licensee shall administer a cultural resource inventory if such survey has not been previously conducted and submitted to the NRC. All disturbances associated with the proposed development will be completed in compliance with the National Historic Preservation Act (as amended) and its implementing regulations (36 CFR Part 800), as well as the Archaeological Resources Protection Act (as amended) and its implementing regulations (43 CFR Part 7).

In order to ensure that no unapproved disturbance of cultural resources occurs, any work resulting in the discovery of previously unknown cultural artifacts shall cease. The artifacts shall be inventoried and evaluated in accordance with 36 CFR Part 800, and no disturbance of the area shall occur until the licensee has received authorization from the NRC, the South Dakota State Historic Preservation Officer, and the Bureau of Land Management to proceed.

The licensee shall comply with the terms and conditions included in a Programmatic Agreement (PA) dated March ---, 2014 (ADAMS Accession No. ML -----) developed to protect cultural resources within the Dewey-Burdock project boundary. If the PA is terminated, the licensee shall comply with Stipulation 16(c) of the PA.

Therefore, in the event the PA is terminated, Powertech is required to follow the terms and conditions provided in the PA for on-going ground-disturbing activities, and is not permitted to begin ground-disturbing activities in unevaluated areas, until the NRC completes consultation and a new PA is executed, or the NRC has requested, taken into account, and responded to the comments of the ACHP under 36 CFR § 800.7(c)(4).

Please let me know if you have any questions.

Regards,

*Ronald A. Burrows*

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