


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of:	POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)
	ASLBP #: 10-898-02-MLA-BD01
	Docket #: 04009075
	Exhibit #: NRC-022-00-BD01
	Admitted: 8/19/2014
	Rejected:
Other:	Identified: 8/19/2014 Withdrawn: Stricken:

NRC-022
Submitted: June 20, 2014

September 8, 2010

Mrs. Theresa Two Bulls
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, SD 57770-2070

SUBJECT: REQUEST FOR UPDATED TRIBAL COUNCIL MEMBERS FOR THE OGLALA SIOUX TRIBE

Dear President Two Bulls:

As established in Title 10 Code of Federal Regulations Part 51 (10 CFR 51), the U.S. Nuclear Commission (NRC) regulation implementing the National Environmental Policy Act of 1969, as amended, the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) for the proposed action. As part of the environmental review, the SEIS will include an analysis of potential impacts of the proposed action to historic and cultural properties.

On March 19, 2010, the NRC sent a letter to your office inviting the Oglala Sioux to participate as a consulting party and requested information regarding tribal historic and cultural resources potentially affected by the proposed Dewey-Burdock ISR facility. This letter was also forwarded to the Cultural Resources Director, Michael Catches Enemy. The March 19th letter is enclosed, for your convenience.

The NRC Staff remains committed to receiving information from the Oglala Sioux concerning cultural and historical resources at the proposed Dewey-Burdock ISR facility. During the recent hearing process, the NRC staff was advised the Tribal Historic Preservation Officer and Cultural Resources Director at the Oglala Sioux tribe had changed. In an effort to ensure continued open and prompt communication between the Oglala Sioux tribe and the NRC, the NRC kindly requests the names and contact information for the new Tribal Historic Preservation Officer and the Cultural Resources Director.

The NRC staff requests that you submit information regarding the new tribal officers of the Oglala Sioux tribe to the following address: Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, D.C. 20555. If you have any questions or comments, or need any additional information, please contact the environmental project manager, Ms. Haimanot Yilma by telephone at 301-415-8029, or 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

cc: Counsel for the Oglala Sioux Tribe
Western Mining Action Project
P. O. Box 349
Lyons, CO 80540
Jeffrey C. Parsons

Counsel for the Oglala Sioux Tribe
Gonzales Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
Grace Dugan Esq

The NRC staff requests that you submit information regarding the new tribal officers of the Oglala Sioux tribe to the following address: Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, D.C. 20555. If you have any questions or comments, or need any additional information, please contact the environmental project manager, Ms. Haimanot Yilma by telephone at 301-415-8029, or email at Haimanot.Yilma@nrc.gov.

Sincerely,

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

Enclosure:
Letter dated March 19, 2010

cc: Counsel for the Oglala Sioux Tribe
Western Mining Action Project
P. O. Box 349
Lyons, CO 80540
Jeffrey C. Parsons

Counsel for the Oglala Sioux Tribe
Gonzales Law Firm
522 7th Street, Suite 202
Rapid City, SD 57701
Grace Dugan Esq

DISTRIBUTION:

DWMEP r/f	MClark/OGC	KHsueh/FSME	BVonTill/URLB
BShroff/FSME	RBurrows/URLB	BKlukan/OGC	PJehle/OGC
RTurtill/ILB			

ML102450647

OFC	DWMEP	DWMEP	OGC	DWMEP
NAME	HYilma	AWalker-Smith	PJehle	KHsueh
DATE	9/03/10	9/07 /10	9/07/10	9/8-/10

OFFICIAL RECORD COPY

March 19, 2010

Mrs. Theresa Two Bulls, President
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, SD 57770-2070

SUBJECT: INVITATION FOR FORMAL CONSULTATION UNDER NATIONAL HISTORIC PRESERVATION ACT SECTION 106 AS WELL AS REQUEST FOR INFORMATION REGARDING TRIBAL HISTORIC AND CULTURAL RESOURCES POTENTIALLY AFFECTED BY THE POWERTECH INC. PROPOSED DEWEY-BURDOCK IN-SITU RECOVERY FACILITY NEAR EDMONT SOUTH DAKOTA

Dear President Two Bulls:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Powertech Inc. (Powertech) for a new radioactive source materials license to develop and operate the Dewey-Burdock Project located near Edgemont, South Dakota in Fall River and Custer Counties. The facility, if licensed, would use an *in-situ* recovery methodology to extract uranium at the Dewey-Burdock site. The proposed project area consists of approximately 10,580 acres (4,282 ha) located on both sides of Dewey Road (County Road 6463) and portions of Sections 1-5, 10-12, 14, and 15, Township 7 South, Range 1 East and Sections 20, 21, 27, 28, 29, and 30-35, Township 6 South, Range 1 East, Black Hill Meridian. A map showing the proposed project boundary is enclosed (Powertech Figure 1.4-1).

The South Dakota State Historic Preservation Officer identified the Oglala Sioux Tribe as potentially attaching religious and cultural significance to historic properties in the project area. By this letter, the NRC invites the Oglala Sioux Tribe to participate as a consulting party in the National Historic Preservation Act Section 106 process. If the Tribe would like to participate as a consulting party, please respond by writing to Mr. Kevin Hsueh.

As established in Title 10 Code of Federal Regulations Part 51 (10 CFR 51), the NRC regulation that implements the National Environmental Policy Act of 1969, as amended, the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) for the proposed action. As part of the environmental review, the SEIS will include an analysis of potential impacts to historic and cultural properties and is therefore requesting input from the Oglala Sioux Tribe to facilitate the identification of tribal historic sites or cultural resources that may be affected by the proposed action. Specifically, the NRC is interested in learning of any areas on the Dewey-Burdock site that you believe have traditional religious or cultural significance. After a careful review and assessment of all the comments received, the NRC will determine what additional actions are necessary to comply with 10 CFR 51 and 36 CFR 800, the implementing regulation for Section 106 of the National Historic Preservation Act.

Enclosure

The Powertech Dewey-Burdock Project license application is publicly available in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agency Wide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. The accession numbers for the Powertech application including the Environmental report is ML092870160.

Please submit your request to be a consulting party as well as any information that you may have regarding this environmental review within 30 days of the receipt of this letter 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 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

Enclosure:
Figure 1.4-1

cc w/enclosure:
Michael Catches Enemy
Oglala Sioux Tribe
US HWY 18
Behind Tribal Building
P.O. Box 320
Pine Ridge, SD 57770



POWERTECH (USA) INC.

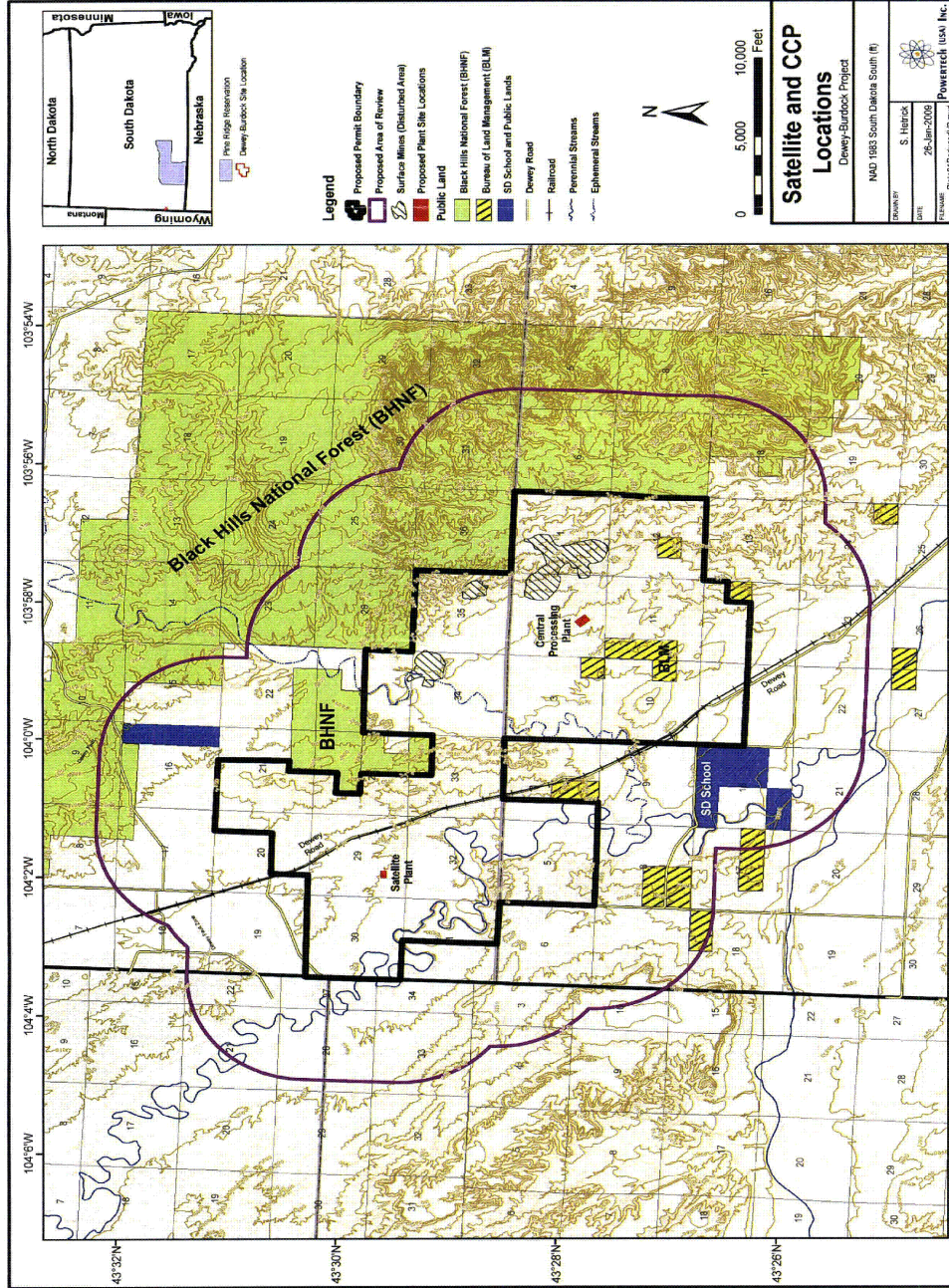


Figure 1.4-1: Satellite and CPP Locations

1-28

February 2009

DV102.00279.01
Dewey-Sundook Environmental Report