


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 #: APP-064-00-BD01
	Admitted: 8/19/2014
	Rejected:
Other:	Identified: 8/19/2014 Withdrawn: Stricken:

APP-064

July 15, 2014

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

Before Administrative Judges:

**William J. Froehlich, Chairman
Dr. Richard F. Cole, Special Assistant
Dr. Mark O. Barnett, Special Assistant**

In the Matter of:)	
POWERTECH USA, Inc.)	
(Dewey-Burdock Project)	Docket No. 40-9075-MLA
In Situ Uranium Recovery Facility))	ASLBP No. 10-898-02-MLA-BD01
)	
)	

ANSWERING TESTIMONY OF DR. L. ADRIEN HANNUS

TABLE OF CONTENTS

1. CONTENTION 1A.....	3
AFFIDAVIT	5

1. CONTENTION 1A

Q.1. How do you respond to the allegation by Dr. Redmond, cited by CI in Exhibit INT-018 at 9, that the Augustana Report “is essentially an inventory of cultural resources in the area and primarily avoids the required analyses directed by the State of South Dakota”?

A.1. My initial testimony (Exhibit APP-003) at A.6 through A.7 describes how the Level III cultural resources survey for the Dewey-Burdock Project was conducted to comply with established federal and State of South Dakota regulations and guidelines for archeology and historic preservation. The Archeology Laboratory at Augustana College (ALAC) conducted the Level III cultural resources survey as defined by the South Dakota SHPO based on federal standards. The methodology fulfills the SHPO standards for a Level III survey.

Q.2. Please respond to the allegation in the Oglala Sioux Tribe’s Initial Statement of Position at 10 that, “The only Class III level archeological survey conducted in this case is the original survey by the students at Augustana College.”

A.2. My initial testimony at A.10 addresses this falsehood and provides the qualifications of the persons who supervised and conducted the Level III survey and testing. These include qualified supervising personnel with experience ranging from almost 20 years to 45 years and field crew with appropriate education, training and experience.

Q.3. Please respond to the statement by Mr. Michael CatchesEnemy that the Oglala Sioux Tribe “was not involved in [the Level III cultural resources] study, and has not made a similar study of the proposed mining area” (Exhibit OST-14 at 10-11).

A.3. As stated in my initial testimony at A.12, the Level III survey was a 100 percent survey completed by ALAC in compliance with established federal and state standards and guidelines for archeology and historic preservation. The fact that the Oglala Sioux Tribe did not conduct the study does not mean that an adequate archeological study was not completed by qualified investigators.

Q.4. Please respond to the allegation in the Consolidated Intervenor’s (CI) Statement of Contentions on the Final Supplemental Environmental Impact Statement (FSEIS) that “the FSEIS demonstrates that a significant number of archeological, historical, and traditional cultural resources on site have not been evaluated because no subsurface testing has been done” (Exhibit INT-018 at 7).

A.4. As stated in my initial testimony (Exhibit APP-003) at A.15, the statement that “no subsurface testing has been done” is inaccurate. Subsurface testing was performed as appropriate as described in A.16 through A.17 and Table 1 of my initial testimony.

Q.5. Please respond to the statement by Mr. Michael CatchesEnemy that the project area includes “current or extinct water resources” and that “[s]uch resources are known to have been

avored camping sites of indigenous peoples, both historically and prehistorically” (Exhibit OST-14 at 2).

A.5. I described the adequacy of the Level III survey with respect to surface waters in my initial testimony at A.18, which notes that it is an established archeological dictum that landscapes adjacent to water sources possesses a high site potential. The Level III survey was a 100 percent survey, and all water sources within the project area were examined.

Q.6. How do you respond to the allegation by Mr. Wilmer Mesteth in Exhibit OST-15 at 4 that, “Overall, the numbers and density of cultural resources at the site proposed for mining demonstrate that the mining activity is likely to adversely impact the cultural resources of the Oglala Sioux Tribe”?

A.6. I responded to this allegation in my initial testimony at A.20, where I explained that the only sites the mining will “adversely affect” in Section 106 terminology are those eligible for listing on the National Register of Historic Places (NRHP). Due to the highly erodible landscaping in the Dewey-Burdock Project area, a large number (approximately half of the total number of identified sites in the project area) of sites were recommended by ALAC as not eligible for listing on the NRHP due to their location on severely deflated landforms.

My testimony in A.14 describes ALAC’s recommendation of a “phased identification and evaluation” approach as allowed under 36 CFR Part 800.4 [6] [2] for sites for which the eligibility status had not been determined. It is ALAC’s understanding that the sites will be evaluated and, if necessary, mitigated in phases prior to any additional areas being opened for mining or construction as set forth in the Programmatic Agreement (PA). ALAC can only evaluate archeological sites for NRHP eligibility; we have no way to evaluate traditional cultural properties or “tribal sites.” The mitigation measures in the PA seem acceptable for addressing adverse impacts to eligible archeological sites.

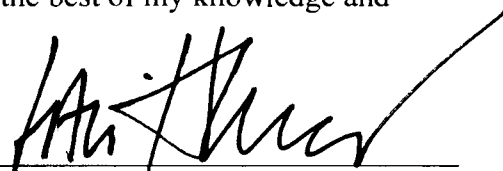
**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
POWERTECH USA, Inc.)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02-MLA-BD01
)	
(Dewey-Burdock Project)	
In Situ Uranium Recovery Facility))	

AFFIDAVIT OF DR. L. ADRIEN HANNUS

I declare under penalty of perjury that my statements in prefiled Exhibit APP-064 (Dr. Adrien Hannus Answering Testimony) are true and correct to the best of my knowledge and belief.



Dr. L. Adrien Hannus

Executed in Sioux Falls, SD
this 13 day of July, 2014