



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

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock  
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

Hearing Exhibit

Exhibit Number:

Exhibit Title:

## DeweyBurdPubEm Resource

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**From:** Yilma, Haimanot  
**Sent:** Wednesday, October 31, 2012 3:37 PM  
**To:** Yilma, Haimanot  
**Cc:** Jamerson, Kellee  
**Subject:** TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT  
**Attachments:** Letter to THPO10-31-12.pdf; Proposal Dewey-Burdock.pdf

Dear Tribal Historic Preservation Officers:

Please find attached a letter enclosing a survey proposal for the proposed Dewey-Burdock *In-Situ* Recovery Project. The NRC staff will also mail this letter to each Tribal President or Chair with a cc to the THPOs.

If you have any questions regarding this email or its contents, please contact Randy Withrow or myself.

Thank you,

**Haimanot Yilma**

Project Manager

FSME/DWMEP/EPPAD/ERB

U.S Nuclear Regulatory Commission

Phone: 301-415-8029

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**Randy Withrow**

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**Hearing Identifier:** Powertech\_Uranium\_Dewey\_Burdock\_LA\_Public  
**Email Number:** 231

**Mail Envelope Properties** (Haimanot.Yilma@nrc.gov20121031153600)

**Subject:** TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED  
DEWEY-BURDOCK ISR PROJECT  
**Sent Date:** 10/31/2012 3:36:44 PM  
**Received Date:** 10/31/2012 3:36:00 PM  
**From:** Yilma, Haimanot

**Created By:** Haimanot.Yilma@nrc.gov

**Recipients:**  
"Jamerson, Kellee" <Kellee.Jamerson@nrc.gov>  
Tracking Status: None  
"Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>  
Tracking Status: None

**Post Office:**

Files	Size	Date & Time
MESSAGE	825	10/31/2012 3:36:00 PM
Letter to THPO10-31-12.pdf	919965	
Proposal Dewey-Burdock.pdf	57796	

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 31, 2012

Dear Tribal Historic Preservation Officer:

SUBJECT: TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED  
DEWEY-BURDOCK *IN-SITU* RECOVERY PROJECT

On October 12, 2012, the U.S. Nuclear Regulatory Commission (NRC) sent a letter to all consulting parties requesting suggested alternatives for identifying potential historic and cultural properties at the proposed Dewey-Burdock site that may be of interest to Tribes. This request was prompted by NRC's concern that Powertech and Makoche Wowapi/Mentz-Wilson Consultants, LLP would not be able to reach an agreement regarding an appropriate level of effort for completion of a tribal survey for the proposed Dewey-Burdock *In-Situ* Recovery (ISR) project.

The NRC would like to thank the Standing Rock Sioux Tribe, Sisseton-Wahpeton Oyate, Rosebud Sioux Tribe, Yankton Sioux Tribe, Three Affiliated Tribes of the MHA Nation, Cheyenne River Sioux Tribe, and the Turtle Mountain Band of Chippewa Indians for responding to this request.

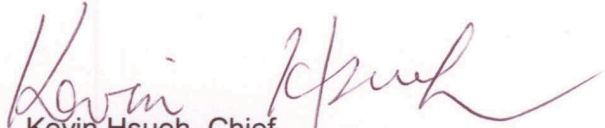
On October 19, 2012, an alternative survey approach was submitted by the Turtle Mountain Band of Chippewa Indians in collaboration with the Three Affiliated Tribes and the consulting firm of Kadrmas, Lee & Jackson. A copy of the proposal is enclosed for your review. The NRC believes the level of effort represented by the Kadrmas, Lee & Jackson proposal is commensurate with the survey needs of the 2,637-acre area identified for potential direct effects. The NRC has decided to move forward with this proposal.

The NRC recognizes the importance of providing all interested Tribes with an opportunity to participate in this survey effort. Therefore, the NRC hereby invites each interested Tribe to provide a qualified representative to join the survey team. Powertech has agreed to provide financial support for one representative from each participating Tribe. This includes an honorarium of \$5,000 per Tribe, plus travel reimbursement and per diem for meals and lodging to be distributed at the Tribe's discretion to an individual participating in the fieldwork. Based on the enclosed proposal, the field survey is estimated to require three weeks.

Due to the lateness of the season, it is imperative that this work begin as soon as possible. Therefore, the NRC asks those Tribes who wish to participate in the survey to respond no later than November 7, 2012. Please respond by sending an email to Haimanot Yilma ([Haimanot.Yilma@nrc.gov](mailto:Haimanot.Yilma@nrc.gov)) and/or the NRC's contractor, Randy Withrow ([rwithrow@louisberger.com](mailto:rwithrow@louisberger.com)). If you have any questions or additional comments for the NRC, please forward them to either Haimanot or Randy.

Please note that the enclosed revised proposal does not contain any proprietary information. The original proposal with cost estimate is being withheld from public disclosure under 10 CFR 2.390.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Hsueh", with a stylized, flowing script.

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

Enclosure: Revised Proposal

## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS/THREE AFFILIATED TRIBES TCP STUDY FOR DEWEY-BURDOCK**

The Turtle Mountain Band of Chippewa Indians and Three Affiliated Tribes of the MHA Nation, in cooperation with KLJ, will assemble a team of tribal cultural resource experts and practitioners to help with the identification of traditional cultural properties at the Dewey-Burdock Project. Along with KLJ, the Turtle Mountain Band of Chippewa and Three Affiliated Tribes have successfully completed numerous key traditional cultural property projects – including several large-scale studies along the Missouri River and across the region.

### **PROPOSED METHODOLOGY**

The team will utilize a variety of methods to identify and evaluate potential traditional cultural properties within the proposed 2,637-acre area of potential effect (APE) of the Dewey-Burdock Project.

#### **1. LITERATURE REVIEW OF PREVIOUSLY RECORDED SITES AND STUDIES**

Researchers will review data on previously recorded archaeological sites and surveys conducted within the Dewey-Burdock Project APE. The purpose of this review will be to assess the potential of each recorded site to possess sensitive cultural features that would qualify the site as a TCP, or that would warrant additional fieldwork at a specific site location.

This review will allow project personnel to also provide additional input that could help in the eventual development of site mitigation plans, avoidance plans, or other information that can help to protect and/or mitigate adverse effects.

#### **2. FIELD SURVEY**

As outlined in the Revised Scope of Work, researchers will conduct a field survey to help in the identification of traditional cultural properties within the established 2,637-acre APE. Further, as established by the NRC through ongoing consultation with participating Indian Tribes, the team understands that the desired method for identifying places of religious and cultural significance is through an examination (survey) of the ground surface by knowledgeable representatives from the interested tribes. The team will undertake this through the following process:

Based on the results of the evaluation of the literature review, the team will revisit sites determined to have potential as TCPs to assess site features, site boundaries, and other “tells” that would be evaluated by tribal participants. The end-result of these revisits will be additional data and site interpretation that can help in the evaluation of these sites for the National Register of Historic Places, help in the eventual development of site mitigation plans, avoidance plans, or other information that can help to protect and/or mitigate adverse effects.

In addition to revisiting previously recorded sites, the team will conduct a detailed field study of other areas within the APE to identify any TCP sites and features that were not previously recorded by archaeologists as part of an established archaeological site.

This survey effort will be conducted using a combination of techniques, including such methods as:

- a. visually assessing the landscape to identify any landforms or geographic features that could indicate a focus of cultural activity;

- b. conducting a detailed pedestrian inventory of the project APE using transects less than 30 meters in spacing (as outlined in the scope of work);
- c. utilizing LIDAR to provide an overview of features that may be indistinguishable on the ground; and
- d. using other means to collect necessary data on possible TCPs.

### **3. REPORTING**

As outlined in the scope of work, the team will provide a letter report within 14 working days after completion of fieldwork. This report will be a non-confidential written summary of the fieldwork completed and a synopsis of the number and types of properties identified. This report will be made available to the NRC, BLM, and Powertech (USA). This summary will include 7.5 minute USGS maps showing survey coverage (i.e. specific areas where ground examination took place), but will not show specific site locations of any identified properties of religious and cultural significance. It is understood that this information will be disclosed to the public through NRC's NEPA compliance process, and the information will be tailored to facilitate the preparation of the NEPA document.

It is also understood that within 40 working days after completion of fieldwork, the team will provide a detailed, professional report to the NRC. This report will contain sufficient information about identified properties of religious and cultural significance, to allow the NRC to adequately consult with the South Dakota State Historic Preservation Officer (SHPO) and interested Indian tribes about NRHP eligibility of these properties.

### **SCHEDULING**

Upon notice to proceed, the team anticipates that it will take approximately 7 days to review literature (previously recorded sites and surveys), 21 working days to complete fieldwork, 14 days to complete the letter report, and an additional 28 days to complete the draft report for submission to NRC.

It is assumed that it will take an additional 7 working days for the draft report to be reviewed by the NRC.

Upon receipt of comments, the team will submit a revised final report to the NRC within an additional 7 days.

### **QUALITY ASSURANCE/QUALITY CONTROL**

To ensure efficacy, project management tasks will be provided by KLJ.

KLJ is a company of engineers, surveyors, planners, and cultural resource specialists. KLJ has a history of successfully completing projects on the Northern Great Plains, Midwest, and Intermountain West. KLJ holds our employees to the highest ethical and professional standards to ensure that projects are consistently completed to the highest quality, are on time, and are under budget. KLJ is uniquely positioned to continue to supply expert services for any cultural resource project.

KLJ will handle logistics, billing, report preparation, and other tasks for the project. KLJ holds all necessary insurance and professional liability as required by the NRC and Powertech.