March 4, 2011

Rebecca White, Chairwoman
Ponca Tribe of Nebraska
P.O. Box 288
Niobara, NE 68760

SUBJECT: INVITATION FOR FORMAL CONSULTATION UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Chairwoman White:

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 Ponca Tribe of Nebraska as potentially attaching religious and cultural significance to historic properties in the project area. By this letter, the NRC invites the Ponca 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 to this letter.

In regards to the proposed project, the NRC is also engaged in an environmental review and is preparing a Supplemental Environmental Impact Statement (SEIS) pursuant to the National Environmental Policy Act. As part of this review, the SEIS will include an analysis of potential impacts to historic and cultural properties and is therefore requesting input from the Ponca 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.

The NRC staff understands that the Tribe may raise issues in consultation that should be kept confidential and nonpublic; the staff is committed to maintaining confidentiality of said information.

After a careful review and assessment of all information and comments received, the NRC will determine what additional actions are necessary to comply with 10 CFR Part 51 and 36 CFR 800, the implementing regulations for Section 106 of the National Historic Preservation Act. If the Tribe would like to participate as a consulting party pursuant to Section 106, the Tribe should express its interest in participating and identify areas of concern, within 60 days of receipt of this letter, to ensure that the parties will have the opportunity to engage in meaningful and productive consultation. The Tribe should forward its response to the following address: Mr. Larry Camper, Mail Stop T-8F05, Washington, DC 20555.

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.

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/ by K. McConnell for

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09075

Enclosure: Figure 1.4-1

cc with enclosure:
Gary Robinette,
Tribal Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobara, NE 68760

Marian Atkins
Field Office Manager – BLM
South Dakota Field Office
310 Roundup Street
Belle Fourche, SD 57717-1698

Gregory R. Fesko P.G.
Coal Program Coordinator
Branch of Solid Minerals - BLM
Montana State Office
5001 Southgate Drive
Billings, MT 59001

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NAME	HYilma	JDavis	AWalker-Smith	PJehle	KHsueh	LCamper
DATE	2/24/11	2/24/11	2/24/11	2/28/11	3/01/11	3/4/11

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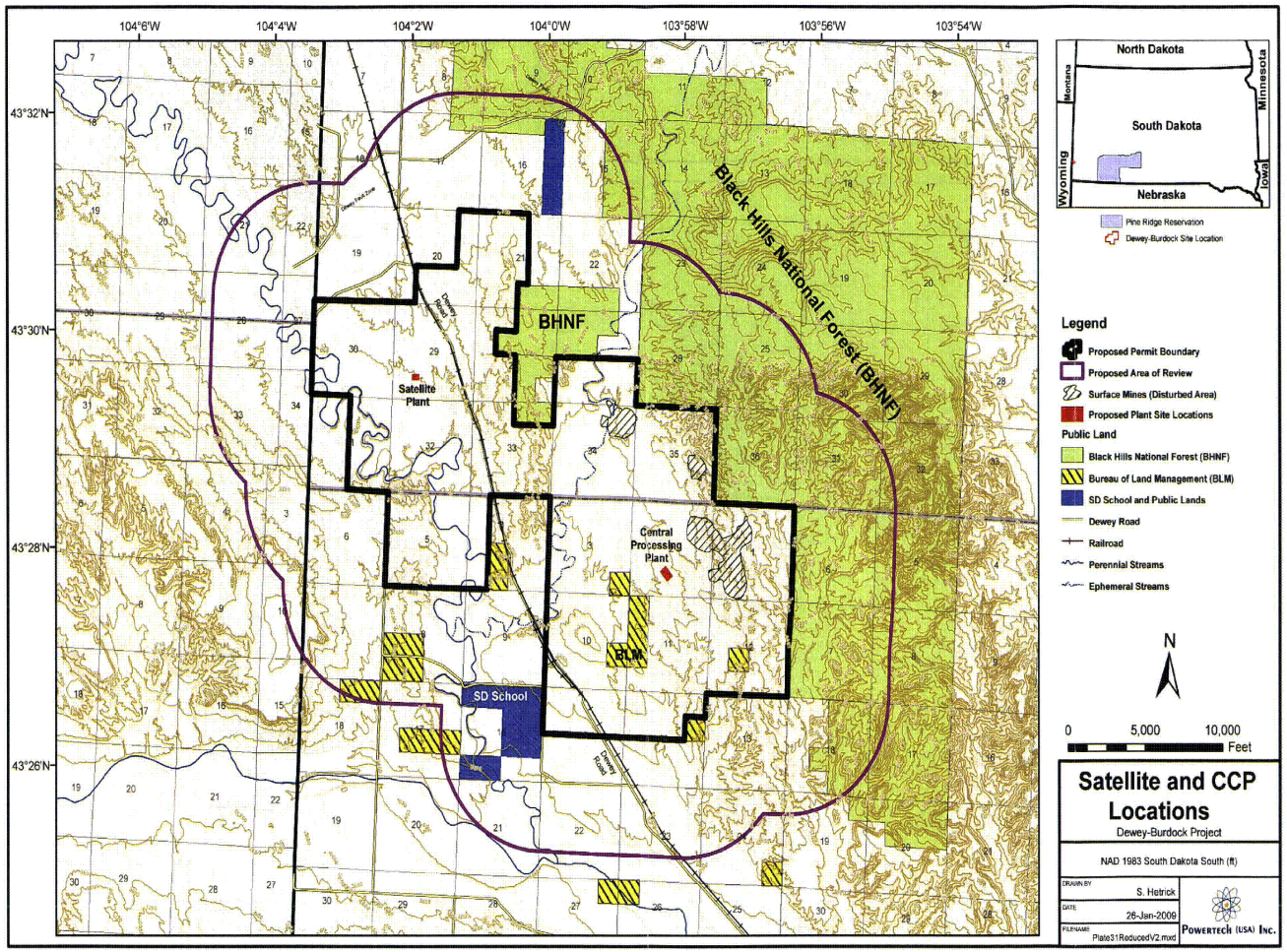

Figure 1.4-1: Satellite and CPP Locations

Enclosure