

November 15, 2012

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building, Suite 803
1100 Pennsylvania Avenue, NW
Washington, DC 20004

SUBJECT: SECTION 106 CONSULTATION, NOTIFICATION OF THE ISSUANCE OF AND REQUEST FOR COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE DEWEY-BURDOCK *IN-SITU* RECOVERY PROJECT IN FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA, SUPPLEMENT TO THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR *IN-SITU* LEACH URANIUM MILLING FACILITIES

Dear Mr. Nelson:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing a source materials license application submitted by Powertech (USA), Inc. for the construction, operation, aquifer restoration, and decommissioning of the proposed Dewey-Burdock *In-Situ* Recovery (ISR) Project. The facility is proposed to be located in Fall River and Custer Counties, South Dakota. The proposed facility, if licensed, would recover uranium by a process known as *In-Situ* recovery.

As part of the review of the application, the NRC has prepared a draft Supplemental Environmental Impact Statement (SEIS) (NUREG-1910, Supplement 4). The draft SEIS includes an analysis of relevant environmental issues, including potential impacts on historic and cultural resources, and documents the NRC staff's preliminary determination regarding the environmental impacts from the construction, operation, and decommissioning of the proposed uranium recovery facility.

The NRC staff is complying with its obligations under Section 106 of the *National Historic Preservation Act of 1966*, as amended (NHPA), using the process set forth in Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8©. Pursuant to 36 CFR 800.8©, the NRC staff is using the preparation of the SEIS required by the National Environmental Policy Act of 1969, as amended (NEPA), to comply with its obligations under Section 106 of the NHPA. The NRC staff is using 36 CFR 800.8© in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6.

In the context of NEPA, under which the draft SEIS has been prepared, the NRC staff's preliminary determination is that the impact on historical and cultural resources from the construction, operation, and decommissioning of the proposed uranium recovery project at the Dewey-Burdock site would be Small to Large. This range of impact finding is due to in part the ongoing consultation effort with various interested tribes that has not been concluded yet. Results of this ongoing consultation will be documented in the final SEIS.

R. Nelson

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The NRC staff is enclosing the draft SEIS for your review and comment. Pursuant to 36 CFR 800.8©, we are requesting your comments on the draft SEIS and on our preliminary conclusions regarding historic and cultural resources.

The NRC staff is enclosing the draft SEIS for your review and comment. Please provide any information, comments, or concerns you may have on the draft SEIS during the comment period, which ends on January 7, 2013 (or 45 days after the date of publication of the *Federal Register* notice). Comments should be submitted in writing either by mail to Cindy Bladey, Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (include Docket ID: in the subject line) or on <http://www.regulations.gov> (after November 23, 2012) and search for documents filed under Docket ID NRC-2012-0277. The NRC staff will address your comments in the final SEIS.

If you have any questions or require additional information, please contact Ms. Haimanot Yilma, Project Manager, by phone at 301-415-8029, or by e-mail at Haimanot.Yilma@nrc.gov

Sincerely,

/RA/

Kevin Hsueh, Chief
Environmental Review Branch
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.: 40-9075

Enclosure: Draft EIS

The NRC staff is enclosing the draft SEIS for your review and comment. Pursuant to 36 CFR 800.8(c), we are requesting your comments on the draft SEIS and on our preliminary conclusions regarding historic and cultural resources.

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If you have any questions or require additional information, please contact Ms. Haimanot Yilma, Project Manager, by phone at 301-415-8029, or by e-mail at Haimanot.Yilma@nrc.gov

Sincerely,

Kevin Hsueh, Chief
 Environmental Review Branch
 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.: 40-9075

Enclosure: Draft EIS

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DATE	11/05/12	11/05/12	11/15/12

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