

November 15, 2012

Ms. Paige Olsen  
Review and Compliance Coordinator  
South Dakota State Historical Society  
900 Governors Drive  
Pierre, SD 57501

SUBJECT: NOTIFICATION OF THE ISSUANCE OF AND REQUEST FOR COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE DEWEY-BURDOCK *IN-SITU* RECOVERY SITE IN FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA, SUPPLEMENT TO THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR *IN-SITU* LEACH URANIUM MILLING FACILITIES AND REQUEST FOR CONCURRENCE ON THE DETERMINATION OF EFFECTS ON HISTORIC PROPERTIES

Dear Ms. Olsen:

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, aquifer restoration and decommissioning activities of the proposed *in-situ* uranium recovery project.

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.

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. 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, please contact Ms. Haimanot Yilma at (301) 415-8029 or by email at [Haimanot.Yilma@nrc.gov](mailto: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.: 040-9075

Enclosures:

1. Draft SEIS
2. Cultural Resources Survey Report

cc: Mr. Michael Fosha  
Assistant State Archaeologist  
P. O. Box 1257  
Rapid City, SD 57709-1257

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. 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, please contact Ms. Haimanot Yilma at (301) 415-8029 or by email at [Haimanot.Yilma@nrc.gov](mailto: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.: 040-9075

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 Assistant State Archaeologist  
 P. O. Box 1257  
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