

November 16, 2012

Mr. Roger Yankton, Sr., Chairperson
Spirit Lake Tribe
P.O. Box 359
Fort Totten, ND 58335

SUBJECT: 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 Chairman Yankton:

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 process, 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 Dewey-Burdock 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.

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 continues to work with the tribes and other consulting parties in order to identify properties at the Dewey-Burdock site that may be of religious or cultural significance to the tribes. If the staff obtains additional information concerning such properties, it will forward a summary of the information for your review and comment.

R. Yankton

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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 email at Haimanot.Yilma@nrc.gov.

Sincerely,

*/RA/
AMohseni for LWCamper*

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

Docket No.: 040-9075

Enclosure: Draft SEIS

cc: Mr. Darrell Smith, THPO

R. Yankton

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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 email at Haimanot.Yilma@nrc.gov.

Sincerely,

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
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Docket No.: 040-9075

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| OFC | DWMEP | DWMEP | DWMEP | OGC | DWMEP | DWMEP |
| NAME | HYilma | AWalker-Smith | JMoore for KHsueh | NLO: PAJ/MJC | AMohseni | AMohseni for LCamper |
| DATE | 11/05/12 | 11/05/12 | 11/09/12 | 11/14/12 | 11/15/12 | 11/16/12 |

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