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Docket: NRC-2012-0277

Supplemental Environmental Impact Statement for Proposed Dewey-Burdock In-Situ Uranium Recovery Project

Comment On: NRC-2012-0277-0001

Supplemental Environmental Impact Statement for Proposed Dewey-Burdock In-Situ Uranium Recovery Project in Custer and Fall River Counties, SD

Document: NRC-2012-0277-DRAFT-0077

Comment on FR Doc # 2012-28425

11/26/2012

77 FR 70486

Submitter Information

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Submitter's Representative: Kristi Noem (R-South Dakota)

Organization: South Dakota Peace & Justice Center

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General Comment

See attached file(s)

Attachments

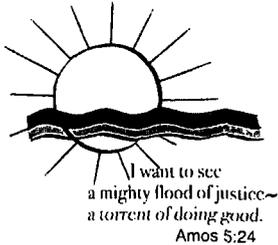
NRC SEIS Comments

SUNSI Review Complete

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9 January 2013

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, D.C. 20555-0001

RE: Docket NRC-2012-0277, SEIS for the proposed Dewey-Burdock project

Dear Ms. Bladey,

I am writing on behalf of the South Dakota Peace & Justice Center to oppose the Nuclear Regulatory Commission's licensing of Powertech's proposed Dewey-Burdock ISR uranium mining project. Our opposition stems from two principal issues: the environmental dangers posed by an in-situ leach mine in the Black Hills, and Powertech's utter disregard for the treaty rights of the Sioux Nation.

South Dakota's natural resources, and its weak regulatory regime, have been exploited by uranium miners in the past. Our Department of Environment & Natural Resources (DENR) identifies 263 abandoned uranium mines, prospects and claims in the state, including 140 in Fall River County. Foreign developers effectively raided these sites, took the profits outside the U.S., and then left the state of South Dakota with radioactive waste that has contaminated several streams and rivers in the state. The 2013 Defense Authorization Bill, HR 4310, Section 3151, which recently passed the U.S. House of Representatives, calls for a report on just these kinds of abandoned uranium mines. We have little reason to believe that

The claim that in-situ leach mining would protect against the problems encountered at earlier sites is, while true to a certain extent given the nature of the process, insufficient to allay our concerns, especially given the paucity of information that Powertech has been able to provide on potential dangers. They have failed to address the possibility of a 500 year flood, the impact of local wildfires, and any environmental impacts outside the immediate site area. They do not address the stark reality that drawing hundreds of gallons a minute from Black Hills aquifers not only threatens the water security of homes, businesses, and families throughout West River SD in the middle of a drastic drought; it also poses the very real risk of radioactive contamination of a key drinking water source.

What data Powertech has provided should be independently verified before approval is given at any level. It is not in the public interest to have the proposed project's benefits and problems judged based almost entirely on data provided by the company seeking a permit.

Powertech, Inc. has *exactly zero* experience mining uranium, or any other mineral resource for that matter. This, in combination with their apparent lack of financial resources, is of serious concern in assessing their competence to carry out this project in an environmentally sensitive manner. We cannot help but think that the Dewey-Burdock Project will be nothing more than a repeat of uranium mining's ugly past in the Black Hills in modern, "environmentally friendly" in-situ guise.

Nor do we believe that, given current information, Powertech will carry out its operations in a culturally sensitive manner. The question of the ownership of the Black Hills, including the land on which Powertech intends to operate its mine, has still not been settled. *United States v. Sioux Nation of Indians* (1980) established that the 1877 seizure of the Black Hills was a direct contravention of the 1868 Fort Laramie Treaty, and that South Dakota's tribes were owed substantial damages. The tribes rejected the \$105 million settlement, and the issue remains a matter of legal contestation. The Oglala Sioux Tribe passed a resolution against Powertech's mining of the Dewey-Burdock site and has been intervening in NRC hearings over the past several years – a clear sign that the legal claimants to this land do not approve of Powertech's plans for resource exploitation.

Moreover, under Section 106 of the National Historic Preservation Act, the NRC is required to conduct consultation with Native American tribes to determine whether proposed federal actions will affect historic properties. According to Oglala Sioux tribal natural resources technician Dennis Yellow Thunder, "As far as the tribes are concerned, we want a TCP (Tribal Cultural Preservation) study done on the whole 10,000 acres, not just the 2,637-acre area of potential effect... According to our treaties... that's still aboriginal homeland, and we don't agree with your going out there and disturbing ancestral homeland." There are more than 20 Native American tribes that might attach historic, cultural and religious significance to properties within the proposed Dewey-Burdock ISL boundaries.

Public hearings should be held after full information is available on the proposed project, and the treaty rights of affected Native American tribes should be fully honored. Until appropriate negotiations and consultations have been carried out with South Dakota's tribal communities as to the cultural propriety and environmental safety of the Dewey-Burdock Project, the South Dakota Peace & Justice and its membership absolutely cannot lend its support to the project, or to the NRC's approval thereof.

Sincerely yours,

Tom Emanuel

--Executive Director, South Dakota Peace & Justice Center