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January 8, 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, Comments on the Dewey-Burdock Project SEIS

Dear Ms. Bladey:

Please consider these to be the comments of the Ianktonwan Treaty Committee of the Yankton Sioux Tribe regarding the SEIS for the Dewey-Burdock Project to be located north of Edgemont, SD. These comments are submitted to insure that the NRC meet their regulatory requirements to insure that the Dewey-Burdock ISL Uranium mine 'may be operated in a manner that is protective of public health and safety and the environment.'

First, the legality of the authority of the state of South Dakota and the United States Federal agencies including the Nuclear Regulatory Agency to be able to authorize a permit in this geographic region is in question. The entire area still is the legal land holding of the Great Sioux Nation and the Cheyenne and Arapaho Nations. Article 12 of the 1868 Fort Laramie Treaty made between the Great Sioux Nation, the Cheyenne and Arapaho Nations was never enacted so no changes were ever made to the Treaty. The 1868 Fort Laramie Treaty is still legal and binding as recently evidenced by the Lavetta Elk versus the United States case of 2009. The enforcement of one Article of a Treaty is proof of the validity of the entire document. The land in question is specifically outlined in the 1868 Fort Laramie Treaty.

Further, a treaty made between the United States and another nation or nations, such as the Great Sioux Nation and the Cheyenne and Arapaho Nations is protected under Article VI of the US Constitution and the March 3rd Act of 1871, In this specific instance, the 1980 Supreme Court decision (United States v. Sioux Nation of Indians, 448 U.S. 371 (1980)) which falls under a Fifth Amendment taking also reiterates the fact that the land still belongs to the Great Sioux

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Nation, and the Cheyenne and Arapaho Nations. Until this issue of legal land title is finalized, no actions of any kind should be taken in this geographic area without the express permission of the members of the Great Sioux Nation and the Cheyenne and Arapaho Nations. For any federal employee or agency to do otherwise would be a violation of their oath of office to uphold the Constitution of the United States and federal law.

Secondly, the geographic area that Powertech Uranium Mining Company plans to use in this ISL project contains innumerable cultural sites as evidenced in the SEIS. However, the explanation for the sites was taken from non-Indian 'experts' and not from the Native American people themselves.

The people of the Sioux, Cheyenne and Arapaho Nations, as well as other Native American nations across North and Central America, consider the Black Hills to be a major sacred place. As all of these Nations also operated according to natural law for tens of thousands of years, there were certain areas in the Black Hills that were used to bring the bones of deceased relatives back to the Black Hills. In other words, the geographic area planned on being used for the Dewey-Burdock ISL Project is a place that was a cemetery.

Due to the potential for exploitation of this site, as many Native American grave sites were robbed not just for artifacts but for the actual bones, there is a great reluctance to state that this area is a grave site. There are innumerable graves, tipi rings, sweat lodge circles, traditional gathering sites and sacred places to pray located in the area planned to be used by Powertech.

For the above two reasons alone, the Nuclear Regulatory Commission must not grant approval of the Powertech application for the Dewey-Burdock In Situ Recovery Uranium Project.

Sincerely,

 Signature FAITH SPOTTED Eagle Printed Name

Secretary, Ihanktonwan Treaty Steering Committee of the Ihanktonwan Treaty Council