



## POWERTECH (USA) INC.

**RICHARD E. BLUBAUGH**  
Vice President – Health, Safety  
& Environmental Resources

March 6, 2013

U.S. Nuclear Regulatory Commission  
Office of Federal and State Materials and  
Environmental Management Programs  
Mailstop T8F05  
Washington, DC 20555-0001

Attention: Haimanot Yilma, Project Manager

**Re: Dewey-Burdock Project, Section 106 Process and NEPA Considerations**

Dear Ms. Yilma;

After thorough discussion with our consultant, Lynne Sebastian, and attorney, Anthony J. Thompson, we are writing to respectfully request that NRC continue moving forward to complete the NEPA process for the Dewey-Burdock Project as quickly as possible, using existing information about cultural resources. We are informed, on authority, that the Section 106 process must be completed before the license would be active for this project, but there is no requirement that it be completed before the NEPA decision is made. By March 12, 2013 NRC will know which of the consulting tribes plan to take advantage of the field visit opportunity that NRC has offered and that Powertech (USA) Inc. has agreed to fund. However many tribes choose to take advantage of this opportunity, it is our understanding that NRC will consider efforts to identify places of religious and cultural significance in the project area to be final once those tribes complete their field work and reporting.

It is also our understanding that NRC proposes to prepare and execute a Programmatic Agreement establishing a process for evaluating the National Register eligibility of and effects on any properties of religious and cultural significance identified by the participating tribes. The Programmatic Agreement would also provide for consultations about measures to resolve any adverse effects on any eligible properties as well as covering measures to resolve the adverse effects on eligible archaeological sites in the project area, thus completing the Section 106 process. Depending on how soon the NRC completes the SEIS and what is found during the tribal field visits and on the issues to be resolved in the Programmatic Agreement, it may or may not be the case that completion of the Section 106 process will lag slightly behind the completion of the NEPA process. In any case, however, effects on historic

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properties will be fully considered because the license cannot be approved for operations until the Section 106 document is executed, and the public has had an opportunity to comment on any adverse effects and to suggest possible measures to resolve these effects as required by 36 CFR Part 800.

Thank you for your consideration,



Richard E. Blubaugh

cc: Ron Burrows, NRC Project Manager  
R. F. Clement  
J. Mays  
M. Hollenbeck