



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 8, 2013

Dear Tribal Historic Preservation Officer:

As part of the U.S. Nuclear Regulatory Commission (NRC) staff's efforts to identify historic properties of religious and cultural significance to Native American Tribes that could be affected by the proposed Dewey-Burdock project, the NRC staff would like to extend an invitation to your Tribe to participate in a field survey as discussed in our December 14, 2012, letter (ML12335A175).

The NRC acknowledges that Native American Tribes possess special expertise in site identification of properties of cultural and religious significance and in assessing the significance of these properties to their individual Tribes. The NRC also acknowledges that the Tribes have expressed concerns about the potential impacts from the proposed Dewey-Burdock project on these properties. The NRC staff believes that a field survey is a reasonable means of identifying properties of cultural and religious significance at this site and therefore provides an opportunity to the Tribes to conduct this survey.

To implement the field survey in the spring 2013, the NRC staff has discussed site access and compensation with the applicant, Powertech (USA) Inc., and has made the following arrangements:

- Any Tribe interested in examining areas of their choosing within the proposed Dewey-Burdock license area may do so during the period of April 1 to May 1, 2013. Although Tribal representatives are encouraged to focus their efforts on those portions of the proposed license area that will actually be disturbed by the project, they may visit any place within the license boundary that they wish to examine within the allowable time.
- Powertech will provide funding and logistical support for these field surveys as described below. Participating Tribes should expect to work directly with Powertech to receive the compensation described.
- Powertech will provide \$125 per day per diem for a maximum of three Tribal representatives from each Tribe. In addition, reimbursement for mileage from Tribal headquarters to Edgemont, South Dakota and return will be available at a rate of \$0.55 per mile for up to two vehicles for each Tribe. Tribal representatives should plan to make their own arrangements for lodging in Edgemont.

- Powertech will also provide an unconditional grant of \$10,000 to each Tribe choosing to participate in the field survey. This grant may be distributed at the Tribe's discretion to individuals participating in the field survey or to help defray other costs that the Tribe may incur in order to participate in this program and provide the information needed by NRC.
- Each Tribal representative will be provided a safety briefing and will be required to sign a release of liability in Powertech's favor before visiting the site.
- Powertech will provide daily transportation from Powertech's Edgemont office to the project area and will take the Tribal representatives as close as possible to any portions of the license area that they wish to examine. Powertech personnel will remain with the vehicles while the Tribal representatives carry out their field surveys and will provide additional transportation within the project area as required.

After completion of the field survey, all participating Tribes will present their findings in a written report to be submitted directly to the NRC by June 3, 2013. These reports will include the following: (1) a discussion of the field survey completed, including the areas examined; (2) a brief description of each individual property recorded; (3) a National Register of Historic Places evaluation of each individual property recorded; (4) any recommendations concerning criteria of eligibility for previously reported archaeological sites within the license area that may be visited during the field survey; and (5) recommendations for appropriate avoidance buffers or possible mitigation measures should any of the properties recommended as eligible be adversely affected by the proposed project. NRC does not require that property descriptions include interpretive information that Tribes may consider confidential. Information concerning the location of any identified properties of religious and cultural significance may be reported separately and directly to NRC as a confidential appendix to the survey report so that this information will not be disclosed to the public through NRC's NEPA compliance process. Site location information provided by Tribes as part of this confidential appendix will be protected from public disclosure consistent with Section 304 of the National Historic Preservation Act and other applicable laws.

In order for the NRC and Powertech to make the necessary arrangements for the Tribes to conduct these studies, the NRC must receive your Tribe's response to this letter on or before March 12, 2013. If you do not respond by March 12, 2013, the NRC will deem that to mean your Tribe has decided not to participate in this effort. If you decide to participate in the field survey, NRC will forward your response to Powertech to make the necessary arrangements.

The NRC staff looks forward to working with you on the field survey. Should you have any questions for NRC staff, please contact either Ms. Haimanot Yilma (Haimanot.Yilma@nrc.gov), NRC Project Manager, at 301-415-8029, or Mr. Randy Withrow (rwithrow@louisberger.com), NRC consultant, at 309-373-3043, ext. 3035.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Hsueh". The signature is written in a cursive style with some loops and flourishes.

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

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