



POWERTECH (USA) INC.

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

June 3, 2013

Kevin Hsueh, Branch Chief
Environmental Review Branch-B
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Plans
Mail Stop T8F05
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

VIA eMail & USPS

Re: Dewey-Burdock Project, Section 106 Process, Completion of TCP Field Survey,
Docket No. 04009075, TAC No. J00606

Dear Mr. Hsueh:

This letter serves to confirm the completion of the Section 106 TCP identification component initially addressed in your letter dated August 12, 2011. In that letter, you requested that Powertech (USA) Inc. (Powertech) assist the NRC in obtaining information regarding properties (TCPs) of traditional religious and cultural importance to one or more Indian tribes. This information, the letter stated, was necessary to comply with NEPA and Section 106 of the NHPA. After working closely with NRC and our cultural resource consultants, SRI Foundation, for many months trying to develop a reasonable approach with the tribes, Powertech informed you via our letter dated October 9, 2012 that we were unable to secure such information. We also noted Powertech's willingness to support financially NRC's efforts to complete the agency's responsibilities in this regard.

Then in NRC's letter of February 8, 2013 to the tribes, NRC invited the interested tribes to participate in a field survey at the Dewey-Burdock project area during the month of April 2013. The letter also noted that Powertech would provide funding and logistical support for the field survey. With this letter, Powertech confirms the completion of this activity. Due to inclement weather in April, the field survey was extended to May 24th. Some information regarding tribal participation is included below for your information.

Of the twenty-three tribes invited, seven tribes participated in the field survey. Twenty Indian monitors/THPOs from the seven tribes surveyed the property for a total of 152 man-days (in field). The seven participating tribes are: Northern Cheyenne, Northern Arapaho, Crow Nation, Crow Creek Sioux, Cheyenne & Arapaho of Oklahoma, Santee Sioux and the Turtle Mountain Band of Chippewa. Special recognition goes to the Northern Cheyenne for the most man-days in the field. Collectively, the three monitors and THPO, Conrad Fisher, were in the field for 60 days. We trust the tribes' submitted report is representative of the time spent surveying the property.

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Powertech has provided the agreed upon amounts for 1) unconditional grant of \$10,000 per tribe, 2) \$125/day per diem for up to 3 monitors, 3) mileage reimbursement at the rate of \$0.55/mile for two roundtrips from the tribal headquarters to Edgemont, SD, and transportation to and from the project area. Powertech believes it has assisted in this information gathering to the extent it was requested and agreed upon. We understand the tribes' reports are due June 24th and that the NRC has yet to fully evaluate the potential indirect effects from the project. Nevertheless, we are pleased that this phase of the Section 106 Process is completed and look forward to NRC's confirmation that the reports have been received.

We are disappointed that many of the Sioux tribes did not participate. However, we particularly appreciate the participation of the Crow Creek Sioux, the only South Dakota Sioux tribe to take part in the survey. It is our understanding that the Oglala Sioux had initially agreed to participate, then withdrew under the claim that they did not have time to meet with Council, and that these communications are posted on ADAMS. The Yankton Sioux also had initially indicated it would participate and then withdrew in early April.

We also appreciate that NRC's consultant, Randy Withrow (Louis Berger Group), was available for the tribes to consult throughout the survey period and that NRC Staff was also available the majority of the survey period. The combined efforts of the participating tribes, NRC and Powertech hopefully will be substantiated by reports that result in a prompt determination of potentially eligible sites, and ultimately an acceptable programmatic agreement.

Respectfully yours,



Richard Blubaugh

cc: R. F. Clement, President & CEO
Lynne Sebastian, SRI Foundation
Haimanot Yilma, NRC Project Manager