

August 12, 2011

Mr. Richard Blubaugh
VP-HS&E Resources
Powertech (USA) Inc.
5575 DTC Parkway
Suite 140
Greenwood Village, CO 80111

SUBJECT: INFORMATION REQUIRED BY THE U.S NUCLEAR REGULATORY COMMISSION STAFF TO SATISFY ITS OBLIGATIONS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT AND NATIONAL ENVIRONMENTAL POLICY ACT TO COMPLETE ITS REVIEW OF THE IMPACTS TO THE CULTURAL RESOURCES FROM THE PROPOSED DEWEY-BURDOCK PROJECT

Dear Mr. Blubaugh:

The U.S. Nuclear Regulatory Commission (NRC) has received an application from Powertech (USA) Inc. for a new source material license to permit Powertech to operate the proposed Dewey-Burdock *In-Situ* recovery (ISR) facility. As part of our responsibilities under the National Environmental Policy Act (NEPA), the NRC is conducting an environmental review of Powertech's application. In addition to our NEPA review, the NRC must comply with the National Historic Preservation Act (NHPA). Under Section 106 of the NHPA and its implementing regulations (36 CFR. Part 800), the NRC must take into account the effects that issuing a license to Powertech would have on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the NRC's findings.

In order to comply with NEPA and Section 106 of the NHPA, the NRC must make reasonable and good faith efforts to identify historic properties within the area of potential effects for the proposed Dewey-Burdock ISR facility. Historic properties include properties of traditional religious and cultural importance to one or more Indian Tribes. Based on information gathered during a June 2011 meeting between the NRC and representatives from six Indian Tribes, and based on consultation with the South Dakota State Historic Preservation Officer (SHPO) and the ACHP, the NRC staff has determined that it requires additional information on Traditional Cultural Properties (TCPs) in the area of potential effect for the proposed Dewey-Burdock facility. The NRC staff needs this information not only to fulfill our obligations under Section 106 of the NHPA, but also to fulfill our obligation under NEPA that we assess potential impacts to cultural resources. This information on TCPs would be in addition to the extensive archeological surveys that Powertech has already submitted in support of its license application.

Although the NRC believes that a traditional cultural property survey of the area of potential effect is an effective method to identify these properties; information on TCPs can also be obtained in a variety of ways. For example, site visits by tribal representatives could be used to

R. Blubaugh

2

identify TCPs, or an applicant could hire an archaeologist with experience identifying and evaluating potential TCPs. Alternatively, an applicant could use a combination of these or other methods.

The NRC requests that by August 31, 2011, Powertech submit a written plan for acquiring information on TCPs. Upon receipt of this TCP identification plan, the NRC will determine whether the actions outlined in the plan will provide information sufficient for the NRC to meet any applicable requirements under NEPA and the NHPA.

Attached to this letter for your possible use is a list of Indian Tribes that have expressed interest in historic properties in the area of potential effect for the proposed Dewey-Burdock facility.

Please submit your TCP identification plan to NRC, Attention: Mr. Kevin Hsueh, Mail Stop T8F05, Washington, DC 20555. If you have any questions or comments, or need any additional information, please contact Ms. Haimanot Yilma of my staff by telephone at 301-415-8029, or by email at Haimanot.Yilma@NRC.gov.

Sincerely,

/RA/

Kevin Hsueh, Branch Chief
Environmental Review Branch-B
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No. 040-09075

cc: See Attached List

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Sincerely,

/RA/

Kevin Hsueh, Branch Chief
 Environmental Review Branch-B
 Environmental Protection and Performance
 Assessment Directorate
 Division of Waste Management
 and Environmental Protection
 Office of Federal and State Materials
 and Environmental Management Programs

Docket No. 040-09075

cc: See Attached List

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OFC	DWMEP	DWMEP	DWMEP	OGC	OGC	DWMEP
NAME	HYilma	JDavis	AWalker-Smith	MClark via email	PJehle via email	KHsueh
DATE	8/03/11	8/03/11	8/11/11	8/09/11	8/09/11	8/12/11

OFFICIAL RECORD COPY

cc:

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