

## DeweyBurdPubEm Resource

---

**From:** Dugan [dugan@wavecom.net]  
**Sent:** Friday, January 15, 2010 4:03 PM  
**To:** Docket, Hearing; OGCmail@nrc.gov  
**Cc:** Burrows, Ronald  
**Subject:** SUNSI Request, Powertech  
**Attachments:** Sunsi Request.doc

To Whom It May Concern:

Attached hereto please find Request for SUNSI documents.

Sincerely,

Grace Dugan  
Attorney for Oglala Sioux Tribe

**Hearing Identifier:** Powertech\_Uranium\_Dewey\_Burdock\_LA\_Public  
**Email Number:** 3

**Mail Envelope Properties** (FF1B37DB53644EE492D1AD321429711E)

**Subject:** SUNSI Request, Powertech  
**Sent Date:** 1/15/2010 4:03:14 PM  
**Received Date:** 1/15/2010 4:03:22 PM  
**From:** Dugan

**Created By:** dugan@wavecom.net

**Recipients:**

"Burrows, Ronald" <Ronald.Burrows@nrc.gov>  
Tracking Status: None  
"Docket, Hearing" <Hearing.Docket@nrc.gov>  
Tracking Status: None  
"OGCmail@nrc.gov" <OGCmail@nrc.gov>  
Tracking Status: None

**Post Office:** toshibauser

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	148	1/15/2010 4:03:22 PM
Sunsi Request.doc	32320	

**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

Oglala Sioux Tribe  
Theresa Two Bulls, President  
PO Box 2070  
Pine Ridge, SD 57770

Grace Dugan, Attorney  
Gonzales Law Firm  
522 7<sup>th</sup> Street Street  
Suite 202  
Rapid City, SD 57701

January 14, 2010

Office of the Secretary  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attention: Rulemakings and Adjudications Staff  
HearingDocket@nrc.gov

Associate General Counsel for Hearings  
Enforcement and Administration  
Office of the General Counsel  
Washington, DC 20555-0001  
OGCmail@nrc.gov

Re: Request for Sensitive Unclassified Non-Safeguards Information (SUNSI) regarding License Application Request of Powertech (USA) Inc. Dewey-Burdock In Situ Uranium Recovery Facility in Fall River and Custer Counties, SD (Federal Register Notice of Hearing and Opportunity to Petition for Leave to Intervene (Volume 75, Number 2, January 5, 2010))

Dear NRC:

The Oglala Sioux Tribe (OST) is a potential party in the above-referenced matter.

Included within the territory the Powertech application contemplates are current or extinct water resources. Such resources are known to have been favored camping sites of indigenous peoples, both historically and prehistorically, and the likelihood that cultural artifacts and evidence of burial grounds exist in these areas is strong. No in-depth investigation of these areas has been conducted, and thus no information is publicly available. OST's address is: Oglala Sioux Tribe, Theresa Two Bulls, President, PO Box 2070, Pine Ridge, SD 57770.

Attorney Grace Dugan seeks SUNSI access as legal counsel for the Oglala Sioux Tribe. Her address is Gonzalez Law Firm, 522 7<sup>th</sup> Street Street, Suite 202, Rapid City, SD 57701.

The United States Supreme Court has recognized a relationship of “highest responsibility and trust” between the United States government – including all its agencies – and the Indian tribes. Seminole Nation v United States, 316 US 286 (1942).

OST expects to intervene and have standing in this matter in accordance with 10 CFR 2.309. SUNSI regarding cultural resources is necessary for Ost to safeguard against the substantial possibility that cultural materials will be disturbed and to fully understand, effectively research, and cogently present its many issues of concern.

Sincerely,

/s/

Grace Dugan  
Attorney for Oglala Sioux Tribe