

January 15, 2010 (4:03 p.m.)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Grace Dugan, Attorney
Gonzales Law Firm
522 7th 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 7th 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

Hearing Docket

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

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(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Fri, 15 Jan 2010
16:03:21 -0500

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X-SBRS: 5.3

X-MID: 10442826

X-fn: Sunsi Request.doc

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X-IronPort-Anti-Spam-Result:

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sodium.vcn.com (Postfix) with ESMTP id CD0BBA7C56; Fri, 15 Jan 2010 14:03:22
-0700 (MST)

Message-ID: <FF1B37DB53644EE492D1AD321429711E@toshibauser>

From: Dugan <dugan@wavecom.net>

To: <HearingDocket@nrc.gov>, <OGCmail@nrc.gov>

CC: <ronald.burrows@nrc.gov>

Subject: SUNSI Request, Powertech

Date: Fri, 15 Jan 2010 14:03:14 -0700

MIME-Version: 1.0

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