

March 19, 2014

Mr. Robert Shepherd, Chairman  
Sisseton-Wahpeton Oyate Tribes  
P.O. Box 509  
Agency Village, SD 57262-0509

SUBJECT: FINAL PROGRAMMATIC AGREEMENT FOR THE PROPOSED  
DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT

Dear Mr. Sheperd:

Enclosed is the final Programmatic Agreement (PA) signed by the U.S. Nuclear Regulatory Commission (NRC), regarding measures to avoid, minimize, or mitigate any adverse effects of historic properties from the proposed Dewey-Burdock In Situ Uranium Recovery (ISR) Project in Fall River and Custer Counties, South Dakota.

This document incorporates the changes, comments, and edits provided by the consulting parties during the development of the PA. On behalf of the NRC, I would like to thank you for your involvement in the development of this PA.

The NRC staff requests that all required signatories (South Dakota State Historic Preservation Office and the Advisory Council on Historic Preservation [ACHP]) respond within 7 business days of receipt of this letter to sign the PA. The PA becomes effective upon receipt of the required signatories' signature pages and the signing of the PA by the ACHP.

All invited signatories (U.S. Bureau of Land Management and Powertech (USA), Inc.) and concurring parties (the Cheyenne and Arapaho Tribes of Oklahoma, the Cheyenne River Sioux Tribe, Crow Nation, the Crow Creek Sioux Tribe, the Eastern Shoshone Tribe, Flandreau Santee Sioux Tribe, Fort Peck Assiniboine and Sioux Tribes, Lower Brule Sioux Tribe, Lower Sioux Indian Community, Northern Arapaho Tribe, Northern Cheyenne Tribe, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Pawnee Nation of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Santee Sioux Tribe of Nebraska, Sisseton-Wahpeton Oyate, Spirit Lake Sioux Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (Mandan, Hidatsa & Arikara Nations), Turtle Mountain Band of Chippewa Indians, and the Yankton Sioux Tribe) are requested to respond within 45 days of receipt of this letter. If, as an invited signatory or concurring party, you choose not to sign the enclosed PA, please advise the NRC in writing.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

R. Shepherd

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Please forward your signed signature page to Ms. Haimanot Yilma, U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland 20852, or via email at [Haimanot.Yilma@nrc.gov](mailto:Haimanot.Yilma@nrc.gov) within the above specified review period.

Thank you, once again, for your input to this document.

Sincerely,

**/RA/**

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosures:

1. Final Programmatic Agreement
2. Final Programmatic Agreement Appendix

cc:

Ms. Dianne Desrosiers  
Sisseton-Wahpeton Oyate Tribes

R. Shepherd

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Larry W. Camper, Director  
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Ms. Dianne Desrosiers  
Sisseton-Wahpeton Oyate Tribes

Distribution:

BVonTill      RBurrows

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| <b>OFC</b>  | DWMEP  | DWMEP         | DWMEP     | OGC        | DWMEP     | DWMEP    |
| <b>NAME</b> | HYilma | AWalker-Smith | KHsueh    | PJehle     | AMohseni  | LCamper  |
| <b>DATE</b> | 3/6/14 | 3/6/14        | 3 / 6 /14 | 3 / 07 /14 | 3/ 17 /14 | 3/19 /14 |

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