

Preserving America's Heritage

April 7, 2014

Mr. Kevin Hsueh
Chief, Environmental Review Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Minerals
And Environmental Management Programs
Nuclear Regulatory Commission
Washington, DC 20555-0001

REF: Dewey-Burdock In-Situ Uranium Recovery Project
Fall River and Custer Counties, South Dakota

Dear Mr. Hsueh:

Enclosed is a copy of our signature page from the Programmatic Agreement (PA) for the referenced project. Our signature completes the requirements of Section 106 of the National Historic Preservation Act (NHPA) and the Advisory Council on Historic Preservation's (ACHP's) regulations at 36 CFR Part 800. By carrying out the terms of the PA, the Nuclear Regulatory Commission (NRC) will fulfill its responsibilities under Section 106 of the NHPA and the regulations of ACHP. We will retain a copy of the PA on file at our office. We recommend you provide a copy of the PA to the South Dakota State Historic Preservation Officer (SHPO) and the other signatories for their records.

As part of the Section 106 consultation for this project, the NRC has had to balance a range of issues and concerns raised by consulting parties and other stakeholders. The effort to identify historic properties of religious and cultural significance to tribes and the nature of tribal participation in that effort was particularly challenging. We know that NRC worked with the consulting tribes and the project proponent, Powertech, in an attempt to come to agreement on an appropriate scope of work for a tribal survey. When it was evident that they could not achieve consensus, NRC utilized an alternative open site survey approach which a number of the consulting tribes chose to participate in.

This PA incorporates a path forward to continue working with consulting tribes to conclude the identification and evaluation process. In addition, the PA sets forth a process for addressing adverse effects to historic properties that can't be avoided as the project is implemented. Consulting tribes will review and comment on all determinations of eligibility and effect and in the development of treatment plans for adverse effects. NRC's agreement to this protocol, and its willingness to continue to collaborate with the consulting tribes and other consulting parties as Dewey-Burdock is implemented, is the appropriate next step. Accordingly, we have signed the PA to conclude the Section 106 review process. We appreciated the efforts of NRC staff to negotiate an outcome that balances project goals and historic preservation concerns.

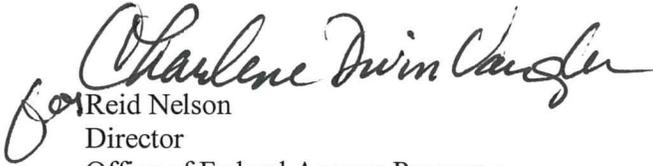
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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If we may be of further assistance as the PA is implemented, please contact John Eddins, PhD, at (202) 606-8553, or via e-mail at jeddins@achp.gov.

Sincerely,


Charlene Duim Caughey

Reid Nelson
Director
Office of Federal Agency Programs

Enclosure