



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

December 12, 2025

Theresa Foley
Tribal Historic Preservation Office
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION UPDATED DRAFT SECTION 106 PROGRAMMATIC AGREEMENT FOR THE LICENSE RENEWAL APPLICATION OF POWERTECH (USA) INC.'S DEWEY-BURDOCK URANIUM RECOVERY PROJECT IN CUSTER AND FALL RIVER COUNTIES, SOUTH DAKOTA (DOCKET NUMBER: 40-9075)

Dear Theresa Foley:

The U.S. Nuclear Regulatory Commission (NRC) staff is pursuing execution of a Programmatic Agreement (PA) pursuant to Title 36 of the *Code of Federal Regulations* Section 800.4(b)(2) to satisfy its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, for Powertech (USA), Inc.'s license renewal request for the Dewey-Burdock in situ uranium recovery project in Custer and Fall River counties, South Dakota. On September 30, 2025, the NRC staff transmitted the draft PA to the consulting Tribes for review and comment (Agencywide Documents Access and Management System [ADAMS] Accession No. [ML25273A335](#)). In the letter, the NRC staff also proposed coordinating a tribal cultural resource survey to be conducted after execution of the new PA using the draft survey methodology included as appendix D of the draft PA. The staff also requested comments on the draft tribal survey methodology.

The NRC staff has updated the draft PA and draft tribal survey methodology based on the comments received to date. As part of the development of the new PA, the NRC staff kindly request review and comment of the enclosed updated draft PA and draft tribal cultural resource survey methodology by January 19, 2026. The updates are shown using track changes (redline and strikeout) to make the review process easier.

In its September 30, 2025, letter, the NRC staff also shared the planned schedule and activities to execute the new PA. Due to the U.S. Government's lapse in appropriations (October 1, 2025, through November 12, 2025), the NRC staff has updated its schedule. The updated schedule is provided below. Continuing to make progress consistent with the activities described in the NRC staff's September 30, 2025, letter and adjusting the schedule provides a balanced approach to satisfy NRC's Section 106 obligations and NRC's mission.

Activity	Target Date
NRC staff send out the Section 106 draft PA and draft Tribal Survey Methodology to Section 106 consulting parties for a 30-day comment period.	September 30, 2025
Input is due from Section 106 consulting parties.	October 31, 2025


NRC staff send out the Section 106 draft PA and draft Tribal Survey Methodology to Section 106 consulting parties for a 30-day comment period.	December 12, 2025
NRC staff issues the draft Section 106 PA for public comment for a 30-day comment period.	December 19, 2025
Public comment period ends.	January 19, 2026
NRC staff sends out draft Final Section 106 PA to consulting parties for a 30-day comment period.	February 20, 2026
Input from consulting parties due.	March 23, 2026
NRC finalizes the Section 106 PA and sends it out for final signature	April 17, 2026
NRC executes final PA	May 8, 2026
NRC publishes environmental assessment	May 15, 2026

Additionally, the NRC is planning to hold a virtual (closed) government-to-government information and listening meeting with consulting Tribes on December 18, 2025, to provide an overview of the updated draft documents.

In accordance with Title 10 of the *Code of Federal Regulation* section 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. The NRC's ADAMS is accessible at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Diana Diaz-Toro, Project Manager, via email at diana.diaz-toro@nrc.gov, or by phone at 301-415-0930.

Sincerely,



Signed by Smith, Theodore
on 12/12/25

Theodore B. Smith, Acting Chief
Environmental Technical Review Branch 1
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9075

Enclosure: As stated

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106 PROGRAMMATIC AGREEMENT FOR THE LICENSE RENEWAL
APPLICATION OF POWERTECH (USA) INC.'S DEWEY-BURDOCK URANIUM
RECOVERY PROJECT IN CUSTER AND FALL RIVER COUNTIES, SOUTH
DAKOTA (DOCKET NUMBER: 40-9075)

Date: December 12, 2025

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Letter to Tribes transmitting the updated draft Section 106 Programmatic Agreement and draft tribal survey methodology for the Dewey-Burdock uranium recovery project in South Dakota DATE December 12, 2025

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ADAMS Accession No.: ML25346A190

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