



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

February 20, 2026

MEMORANDUM TO:

Robert Sun, Chief
Environmental Project Management Branch 2
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

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

FROM:

Diana Diaz-Toro, Project Manager
Environmental Project Management Branch 2
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

A handwritten signature in blue ink, appearing to read "Diana Diaz-Toro".

Signed by Diaz Toro, Diana
on 02/20/26

SUBJECT:

SUMMARY OF DECEMBER 18, 2025, AND JANUARY 7, 2026,
MEETINGS WITH TRIBES REGARDING THE SECTION 106
PROGRAMMATIC AGREEMENT FOR THE LICENSE RENEWAL
APPLICATION FOR THE DEWEY-BURDOCK URANIUM
RECOVERY PROJECT IN CUSTER AND FALL RIVER
COUNTIES, SOUTH DAKOTA

On December 18, 2025, and January 7, 2026, the U.S. Nuclear Regulatory Commission (NRC) staff held closed government-to-government virtual Tribal Information Meetings in support of the National Historic Preservation Act Section 106 process for Powertech USA, Inc.'s (Powertech) license renewal application for the Dewey-Burdock uranium recovery project in Custer and Fall River counties, South Dakota (undertaking). The purpose of the meetings was to provide an overview of the National Historic Preservation Act Section 106 process for the undertaking, discuss the scope of the updated draft Section 106 Programmatic Agreement (PA) and draft tribal survey methodology, which were transmitted to the Tribes on December 12, 2025 (Agencywide Documents Access and Management System (ADAMS) [ML2534A088](#)), and to hear from Tribes participating in the Section 106 process.

CONTACT: Diana Diaz-Toro, NMSS/REFS
301-415-0930

During the meetings, the NRC staff provided a high-level overview of the NRC's review of the license renewal application for the Dewey-Burdock project and provided an overview of the scope of the project. The NRC staff described the path forward for the Section 106 review, including the basis and development of a Programmatic Agreement (PA). Because the 2014 PA has not been implemented, Powertech has not proposed changes to the licensed activities, and the facility has not been constructed, the staff proposed in January 2025 to execute a new PA, using the 2014 PA as a starting point draft for development of the new PA. Execution of a PA would satisfy NRC's obligations under the Section 106 process.

During the meetings, the NRC staff also discussed progress on the consultation since January 2025 to seek input from Tribes and other Section 106 consulting parties. The NRC staff continued to discuss the scope and content of the updated draft PA and draft tribal cultural resource survey methodology. Specifically, the updated draft PA addresses identification and evaluation of historic properties within the direct area of potential effects (APE), National Register of Historic Places (NRHP) eligibility determinations, protection and evaluation of unevaluated properties, and assessment and resolution of adverse effects. The updated draft PA proposes that avoidance of NRHP-eligible properties, unevaluated properties, and traditional cultural places (TCPs) would be the preferred option for eligible sites, unevaluated sites, and TCPs. If avoidance is not possible and adverse effects would result, adverse effects would be resolved as described in Stipulation 5 of the updated draft PA.

As part of the identification efforts, the NRC staff is also proposing to conduct a tribal cultural resource survey of the direct APE after execution of the PA using the survey methodology in appendix D of the updated draft PA. The updated draft PA also documents the findings from previous cultural resource surveys conducted at the site and, accordingly, the draft methodology prioritizes reevaluating previously-identified sites and surveying areas where Tribes would likely identify cultural resource sites within the direct APE. Other stipulations included in the updated draft PA include confidentiality, unanticipated discoveries, human remains, monitoring, and duration (i.e., 20 years).

Finally, the NRC staff went over the schedule for completing the Section 106 process included in the December 12, 2025, letter. The NRC's staff presentation can be accessed at [ML25363A062](#).

Participating Tribes included the Omaha Tribe of Nebraska and the Ponca Tribe of Nebraska. Representatives from the U.S. Bureau of Land Management and the U.S. Environmental Protection Agency also attended the meetings. The list of attendees is enclosed. Tribal representatives thanked the NRC staff for the presentation and the opportunity to consult with the NRC staff and were eager to hear from and engage with other Tribes.

Docket No. 40-9075

Enclosures:
As stated

List of Attendees

**Tribal Information Meetings on the U.S. Nuclear Regulatory Commission's
Section 106 Process for the License Renewal Application for the Dewey-Burdock
Uranium Recovery Project in Custer and Fall River Counties, South Dakota**

December 18, 2025, and January 7, 202

Virtual Teams Meeting

| Attendee | Organization |
|---|--------------------------------------|
| Theresa Foley, Tribal Historic Preservation Officer | Ponca Tribe of Nebraska |
| Mark Parker, Tribal Historic Preservation Office | Omaha Tribe of Nebraska |
| Christopher Rye, Geologist | U.S. Bureau of Land Management |
| Rick Arnold | U.S. Environmental Protection Agency |
| Kathryn Brock, Acting Deputy Office Director | U.S. Nuclear Regulatory Commission |
| Ted Smith, Branch Chief | U.S. Nuclear Regulatory Commission |
| Robert Sun, Branch Chief | U.S. Nuclear Regulatory Commission |
| Beau Goldstein, Environmental Project Manager | U.S. Nuclear Regulatory Commission |
| Diana Diaz-Toro, Environmental Project Manager | U.S. Nuclear Regulatory Commission |

Enclosure

Summary of December 18, 2025, and January 7, 2026, Meetings with Tribes Regarding the Section 106 process for the Dewey-Burdock Uranium Recovery Project in Custer and Fall River Counties, South Dakota
DATE February 20, 2026

DISTRIBUTION:

ADAMS Accession No.: Memo ML26037A277

| OFFICE | NMSS/REFS/ERMB | NMSS/REFS | NMSS/REFS /EPMB2 | NMSS/REFS/ERMB |
|--------|----------------------|------------------|---------------------|-----------------|
| NAME | BGoldstein <i>BG</i> | TSmith <i>TS</i> | RSun <i>RS</i> | DDiaz <i>DD</i> |
| DATE | Feb 7, 2026 | Feb 13, 2026 | Feb 20, 2026 | Feb 20, 2026 |

OFFICIAL RECORD COPY