

From: Diana Diaz Toro
Sent: Friday, March 27, 2026 4:59 PM
To: Diana Diaz Toro
Subject: RE: NRC Section 106 review for the license renewal application for the Dewey-Burdock in situ uranium recovery project in Custer and Fall River Counties, South Dakota

Greetings,

The U.S. Nuclear Regulatory Commission (NRC) staff invites you to a virtual (closed) government-to-government meeting to present the proposed alternative approach to evaluate cultural resources of significance to federally recognized Tribes that could be affected by the construction and operation of the Dewey-Burdock in situ uranium recovery project and answer questions you may have. The Dewey-Burdock project is located in Custer and Fall River counties, South Dakota.

Because of varying schedules, the NRC staff has scheduled two separate meetings, which allows you to choose the option that best aligns with your schedule.

Meeting option 1: Tuesday March 31, 2026, 4:30-5:30pm ET (2:30-3:30pm MT)

Meeting option 2: Wednesday April 1, 2026, 11:00am-12:00pm ET (9:00am-10am MT)

You should have received the meeting invites, which allows you to join the meetings via Teams or via phone. If you did not receive the meeting invites, please let me know by responding to this email.

The proposed alternative approach is summarized the email provided below dated March 24, 2026.

Thank you for your time.
Diana

Diana Diaz-Toro
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U.S. Nuclear Regulatory Commission
NMSS/REFS/EPMB2
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From: Diana Diaz Toro
Sent: Tuesday, March 24, 2026 8:14 PM
To: Diana Diaz Toro
Subject: NRC Section 106 review for the license renewal application for the Dewey-Burdock in situ uranium recovery project in Custer and Fall River Counties, South Dakota

Greetings,

The U.S. Nuclear Regulatory Commission (NRC) staff is proposing an alternative approach to identify and evaluate cultural resources of significance to federally recognized Tribes that could be affected by the construction and operation of the Dewey-Burdock in situ uranium recovery project that would occur during Powertech (USA), Inc.'s proposed license renewal term. This proposed alternative approach considers the comments received in response to the draft Section 106 Programmatic Agreement (PA) the NRC staff issued for comment in December 2025. This alternative approach will be documented in the PA that the NRC staff continues to develop to satisfy its obligations under Section 106 of the National Historic Preservation Act.

The NRC staff considered a tribal cultural resources survey conducted at the beginning of the project, as initially proposed in the draft PA, to be one reasonable way to carry out the NRC staff's identification and evaluation efforts in good faith. But it is not the only way, as the Section 106 regulations at Title 36 of the Code of Federal Regulations (36 CFR) Part 800, "Protection of Historic Properties," do not state that such surveys are required. The proposed alternative approach does not include a tribal cultural resource survey at the beginning of the project, but it instead shifts the evaluation of significance/eligibility, effects, and resolution of potential adverse effects to later in time, depending on if and when ground disturbing activities would impact previously identified tribal cultural resources (eligible for listing in the National Register of Historic Places, unevaluated, and not eligible). Powertech would commit to avoid areas within and adjacent to the direct area of potential effects (APE) where cultural resources of significance to Tribes were previously identified. If Powertech determines that ground disturbance would occur within those areas, the NRC staff would follow the process in the draft PA for evaluation and resolution of adverse effects (Stipulation 5 of the draft PA). This stipulation will also be revised to add conditions to ensure timely and meaningful consultation.

The proposed alternative approach balances the NRC's mission to enable the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials by establishing a timely, predictable, and meaningful consultation process for evaluation of significance/eligibility, effects, and resolution of potential adverse effects.

The NRC staff invites you to a virtual (closed) government-to-government meeting for Tribes the week of March 30, 2026, to present the proposed alternative approach and answer questions you may have. The NRC staff is considering the afternoon of March 30, March 31, or April 1. By this Friday March 2, please let us know which afternoon (after 2:00pm ET [12:00pm MT]) you prefer. If you are unavailable or would prefer to meet with the NRC staff individually, please let me know via email at diana.diaz-toro@nrc.gov.

After this meeting, the NRC staff plans to issue a draft Final PA for review and comment. You may also submit your input and feedback by responding to this email.

Thank you for your time.
Diana

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From: Diana Diaz Toro

Created By: Diana.Diaz-Toro@nrc.gov

Recipients:
"Diana Diaz Toro" <Diana.Diaz-Toro@nrc.gov>
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