



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

July 8, 2026

Candace Schmidt, Chairwoman
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

SUBJECT: COMPLETION OF THE SECTION 106 PROGRAMMATIC AGREEMENT, NEPA ENVIRONMENTAL REVIEW, AND ISSUANCE OF THE RENEWED LICENSE FOR THE DEWEY-BURDOCK URANIUM RECOVERY PROJECT IN CUSTER AND FALL RIVER COUNTIES, SOUTH DAKOTA (DOCKET NUMBER: 40-9075)

Dear Chairwoman Candace Schmidt:

The purpose of this letter is to inform you of the U.S. Nuclear Regulatory Commission (NRC) staff's execution of a Section 106 programmatic agreement (PA), completion of an environmental assessment (EA) and finding of no significant impact (FONSI), and issuance of renewed license SUA-1600 for the Dewey-Burdock in situ uranium recovery (ISR) project in Custer and Fall River Counties, South Dakota.

On June 4, 2026, the NRC staff executed a PA under Section 106 of the National Historic Preservation Act of 1966, as amended. In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.6(c)(1), the signatories to this Section 106 PA are the NRC, as the lead federal agency and who signed the PA on May 29, 2026, and the South Dakota State Historic Preservation Office, who signed the PA on June 4, 2026 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML26159A166](#)). Once all required signatories have signed the PA, it is considered fully executed and goes into effect. The U.S. Environmental Protection Agency and the U.S. Bureau of Land Management designated the NRC as the lead agency for compliance with Section 106 and were invited to sign the PA as invited signatories. Powertech USA, Inc., the licensee, was also invited to sign the PA as an invited signatory due to their responsibilities detailed within the PA. In accordance with 36 CFR 800.6(b)(1)(iv), the NRC submitted the executed Section 106 PA to the Advisory Council on Historic Preservation on June 5, 2026. The filing of the PA and implementation of its terms fulfills the requirements of Section 106 of the National Historic Preservation Act and its implementing regulations.

On June 12, 2026, the NRC staff completed an EA and FONSI under the National Environmental Policy Act of 1969, as amended (NEPA), ([ML26163A295](#)), which were also announced in a *Federal Register* notice published on June 17, 2026 ([91 FR 36623](#)). The NRC staff coordinated the NEPA review with the Section 106 review for this undertaking.

Upon execution of the Section 106 PA, completion of the EA and FONSI, and based on the NRC staff's safety review findings documented in the safety evaluation report ([ML25268A069](#)), the NRC staff proceeded to make its decision on Powertech USA, Inc.'s license renewal request for the Dewey-Burdock ISR project. On June 18, 2026, the NRC staff renewed license SUA-1600 for the Dewey-Burdock ISR project for an additional 20 years after finding that renewal of the license will not be inimical to the common defense and security or to the health and safety of the public ([ML26156A027](#)).

In accordance with Title 10 of the Code of *Federal Regulations* 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.

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,

Robert Sun, Chief
Environmental Review Materials Branch
Division of Spent Fuel Storage
and Transportation
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9075

cc: Theresa Foley
Tribal Historic Preservation Officer
tfoley@poncatribes-ne.gov

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DATED: July 8, 2026

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ADAMS Accession Numbers: PKG: ML26176A283, Letter: ML26181A239

e-Concurrence case: 20260625-10011