



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

August 31, 2026

Selwyn Whiteskunk, Chairman
Ute Mountain Ute Tribe
125 Mike Wash Road
Towaoc, CO 81334

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION SECTION 106 CONSULTATION, PRELIMINARY DRAFT PROGRAMMATIC AGREEMENT FOR REVIEW, NUFUELS, INC.'S LICENSE RENEWAL APPLICATION FOR THE CROWNPOINT URANIUM PROJECT IN MCKINLEY COUNTY, NEW MEXICO (DOCKET NUMBER: 40-8968)

Dear Chairman Selwyn Whiteskunk:

The U.S. Nuclear Regulatory Commission (NRC) is considering a license renewal request from NuFuels, Inc. submitted on January 22, 2025, pursuant to Title 10 of the *Code of Federal Regulations* Part 40, "Domestic Licensing of Source Material," for the Crownpoint in situ uranium recovery project (Project) in McKinley County, New Mexico.

As part of the NRC's licensing review, the NRC staff has previously initiated and continues to conduct Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations at Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800, "Protection of Historic Properties." The purpose of this letter is to solicit comments on the enclosed preliminary draft Programmatic Agreement (PA) for the Project.

All public documents referenced herein are available online through NRC's Agencywide Documents Access and Management System (ADAMS), accessible at <https://www.nrc.gov/reading-rm/adams.html>.

The NRC staff previously initiated Section 106 consultation with 22 federally recognized Tribes (ADAMS package [ML26093A024](#)), one consulting party (package [ML26090A385](#)), five federal agencies with potential actions (package [ML26090A265](#)), and the Navajo Nation Tribal Historic Preservation Officer (NN THPO), New Mexico State Historic Preservation Officer (NM SHPO), and Advisory Council on Historic Preservation (ACHP) (package [ML26092A220](#)). Pursuant to 36 CFR 800.2(a)(2), the Bureau of Land Management ([ML26202A119](#)), Bureau of Indian Affairs ([ML26236A009](#)), and U.S. Army Corps of Engineers ([ML26120A117](#)) designated the NRC as the lead federal agency to satisfy the agencies' collective responsibilities for compliance with NHPA Section 106. Other pertinent responses include NM SHPO's deferral to the NN THPO ([ML26149A288](#)) and the ACHP's decision to decline to participate in consultation ([ML26147A023](#)).

To account for the phased development of the Project, its complex regulatory nature, and varied land ownership, the NRC staff previously proposed to execute a PA pursuant to 36 CFR 800.4(b)(2) and 36 CFR 800.14(b) to satisfy NHPA Section 106 obligations. The NRC staff is seeking comments from consulting parties on the preliminary draft PA (see enclosure).

Please provide any comments to Beau Goldstein, Archaeologist, via email at beau.goldstein@nrc.gov or Christine Pineda, Senior Environmental Project Manager, via email at Christine.pineda@nrc.gov within 30 days of the receipt of this letter.

Sincerely,



Signed by Robert Sun on 08/31/26

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

Docket No. 40-8968

Enclosure: As stated

cc: Granicus Communications

Keeley Yanito, Tribal Historic Preservation Officer
KYanito@utemountain.org

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DATED: August 31, 2026

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JSmith, NMSS/DECAF
CPineda, NMSS/SFST
BGoldstein, NMSS/SFST
RSun, NMSS/SFST
KSavoy, NMSS/SFST
J. Leftwich, NuFuels, josh@laramide.com

ADAMS Accession Numbers:

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DOC: ML26236A019 (Multiple Letters)

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Concurrence case: 20260824-02025