



Executive Director Determination on Request to Extend FAST-41 Final Completion Date by More Than 30 Days

April 14, 2026

Dewey Burdock ISR Uranium Project— Section 106 (NRC); NEPA (BLM); Mine Plan of Operations (BLM)

I. Summary

The Dewey Burdock ISR Uranium Project (Project), sponsored by enCore Energy Corp. (Project Sponsor), is a covered project under Title 41 of the Fixing America's Surface Transportation Act (FAST-41), 42 U.S.C. § 4370m *et seq.* The Nuclear Regulatory Commission (NRC), has principal responsibility for the environmental review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, which makes NRC the lead agency for both NEPA and FAST-41. The cooperating agencies are the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM).

NRC submitted a request to the Executive Director of the Federal Permitting Improvement Steering Council (the Permitting Council) to extend the completion dates for three Federal actions on the Project's permitting timetable. The request includes extensions for: 1) the consultation required by Section 106 of the National Historic Preservation Act by 38 days; 2) the Environmental Assessment (EA) that BLM is conducting separately from the lead agency, also by 38 days; and 3) for the BLM Mine Plan of Operations (MPO) by 46 days.

NRC also included, in their request, an intention to modify their milestones for their own EA and for the NRC uranium recovery license, each by 25 days. As those modifications are less than 30 days, no Executive Director Determination is needed for those changes; they were included in the request to the Permitting Council only for informational purposes.

For the following reasons, NRC's extension request is **GRANTED**, and the Project permitting timetable will be revised accordingly.

II. Legal Standard

Pursuant to 42 U.S.C. §§ 4370m-2(c)(2)(D)(i)(II) & (IV), a lead agency may extend a final completion date by more than 30 days beyond the original final completion date only after consulting with the project sponsor and obtaining Executive Director approval. After receiving an extension request, the Executive Director must consult with the project sponsor and make a determination on the record whether to grant the requested date change. The Executive Director's determination is based on consideration of "relevant factors," including, but not limited to:





- (i) the size and complexity of the covered project;
- (ii) the resources available to each participating agency;
- (iii) the regional or national economic significance of the project;
- (iv) the sensitivity of the natural or historic resources that may be affected by the project;
- (v) the financing plan for the project; and
- (vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

42 U.S.C. §§ 4370m-2(c)(2)(B) and 4370m-2(c)(2)(D)(i)(IV). Executive Director determinations made pursuant to 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV) are not subject to judicial review.

42 U.S.C. § 4370m-2(c)(2)(D)(iv)(I).

III. Background

NRC seeks authorization to modify the completion dates shown in the table below:

Action Agency	Action	Milestone	Original Date	Current Date	Requested Date
NRC	Sec 106	Sec106 Consultation Concludes	5/15/2026	5/15/2026	6/22/2026
BLM	EA	Issuance of a Final EA	4/15/2026	5/15/2026	6/22/2026
		EA Process Concluded	4/15/2026	5/15/2026	6/22/2026
	MPO	Issuance of decision for MPO	5/15/2026	5/15/2026	6/22/2026
		Financial assurance received	5/15/2026	5/15/2026	6/30/2026 ¹

The Section 106 consultation is the critical path for the Project’s permitting timeline. NRC is coordinating the consultation with the NEPA review process and both NRC and BLM need the consultation to conclude prior to making decisions necessary to conclude their EA processes.

¹ The final MPO milestone is updated to align with the overall permitting timetable modification.





NRC provided details on the Section 106 consultation in their request to the Permitting Council. In January 2025, the NRC staff proposed developing a new Section 106 Programmatic Agreement (PA) for the license renewal review. The new PA would document the measures and processes the NRC will use to evaluate the significance of, effects on, and resolution of potential adverse effects on National Register of Historic Places (NRHP)-eligible properties, unevaluated properties, and traditional cultural places that are not eligible for listing in the NRHP. The draft PA would be executed by NRC, BLM, EPA, the South Dakota State Historic Preservation Office (SHPO), and the Project Sponsor.

The Section 106 consulting parties aligned on using a PA to expedite licensing and initially agreed to the completion of a tribal cultural resource survey following issuance of the renewed license. After considering comments from the Project Sponsor on the second draft version of the PA that concerned costs and scheduling, the NRC staff developed an alternative approach that was shared with Advisory Council on Historic Preservation (ACHP), SHPO, Permitting Council, the Project Sponsor, and the consulting federally recognized Tribes in March 2026. The alternative approach requires more time than originally anticipated in the permitting timetable, thus NRC is asking to modify the Section 106 timeline by an additional 38 days.

The milestone changes for the authorizing instruments—the NRC uranium license and the BLM MPO—are needed in response to the new EA timelines. The remainder of the milestone shifts are needed to align both EA timelines with the Section 106 timeline. Additionally, for the final MPO milestone, to allow sufficient time for the project sponsor to provide BLM with the reclamation bond instrument, the target date for BLM’s receipt of financial assurance is being shifted to 7 days after the adjusted Mine Plan of Operations approval date.

Consultation with Project Sponsor on Permitting Timetable Modifications

Prior to submitting its extension request to the Executive Director, NRC consulted with the Project Sponsor per 42 U.S.C. § 4370m-2(c)(2)(D)(i)(I). On March 24, 2026, NRC communicated the rationale and extent of the changes to the schedule in a telephone call with the Project Sponsor and NRC relayed that the Project Sponsor did not raise any objections or significant issues. Subsequently, the NRC staff documented the telephone call, revised schedule, and rationale in a letter to the Project Sponsor dated March 27, 2026.

The Executive Director also has consulted with the Project Sponsor, as required by 42 U.S.C. § 4370m-2(c)(2)(D)(i)(IV), and the Executive Director has confirmed that the Project Sponsor does not object to these permitting timetable modifications.





IV. Discussion

The circumstances at hand justify the requested timetable modifications, and the request will be granted. Two of the relevant factors to consider for modifications under the FAST Act are the size and complexity of the project and the sensitivity of the natural or historic resources that may be affected by the project. This is a complex project with NRC balancing multiple considerations during the review, including the Project Sponsor's concerns regarding cost and schedule, the NRC's responsibilities under the NHPA, tribal interests, the views of the SHPO and ACHP, and the history of previous licensing for the Dewey-Burdock ISR Uranium Project. NRC requires additional time to fully evaluate potential impacts to sensitive historic and cultural resources and develop a new PA, which is necessary to appropriately conclude the Section 106 consultation process. Given these circumstances, the requested completion date modifications are warranted.

V. Determination

NRC's extension request is **GRANTED**, and the permitting timetable shall be revised as requested.

Emily Domenech
Executive Director
Permitting Council

