

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Richard F. Cole
Dr. Mark O. Barnett

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock In Situ Uranium Recovery
Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

August 21, 2013

ORDER
(Scheduling Site Visit)

The Board will conduct a visit to the site of the proposed Dewey-Burdock In-Situ Uranium Recovery (ISR) Project¹ in Fall River and Custer Counties, South Dakota, commencing at 9:00 a.m., Mountain Daylight Time, Monday, September 23, 2013. Powertech USA, Inc. (Powertech) proposes facilities including a central processing plant in the Burdock area, a satellite facility in the Dewey area, wellfields, Class V deep injection wells and/or land application areas for disposal of liquid wastes, and the attendant infrastructure (e.g., pipelines and surface impoundments). For purposes of this visit, the term “site” includes the locations of

¹ “The proposed Dewey-Burdock ISR Project is located in Custer and Fall River Counties, South Dakota, within the Great Plains physiographic province on the edge of the Black Hills uplift. The proposed site is located approximately 21 km [13 mi] north-northwest of the city of Edgemont, approximately 64 km [40 mi] west of the city of Hot Springs, and approximately 80 km [50 mi] southwest of the city of Custer. The total land area of the proposed Dewey-Burdock Project is 4,282 ha [10,580 ac].” Environmental Impact Statement for the Dewey-Burdock Project in Custer and Fall Counties, South Dakota, Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities, NUREG-1910, at xxviii (Supp. 4, Nov. 2012) (ADAMS Accession No. ML12312A039).

the proposed processing facilities and sequentially developed wellfields, which are situated in two contiguous areas, the Burdock area and the Dewey area.

The purpose of the visit is to allow the Board to view aspects of the site that may be relevant to the admitted contentions in this proceeding.² The features and locations of the site that the Board would like to observe during this site visit include the following:

1. General layout.
2. Areas that may be impacted by the construction, operation, aquifer restoration, and decommissioning of the proposed Dewey-Burdock ISR Project.
3. Cultural, archaeological, sacred, burial, and historic sites that may potentially be disturbed during construction and impacted during operation of the proposed Dewey-Burdock ISR Project.
4. Representative locations of wells, including observation wells, pump test wells, abandoned wells, etc.
5. General location of Dewey Road and transportation resources, the proposed Burdock central plant, and the Dewey satellite plant facilities.
6. Locations where endangered or threatened species may be found.
7. An operational ISR facility, preferably the Cameco Resources Crow Butte site.
8. Any other relevant features or locations (e.g., formation outcroppings) proposed by the parties and subject to Board approval.

The procedures to be followed during the site visit are attached hereto as Appendix A.

Any motion objecting to the site visit or these procedures shall be filed within five days of the

² The site visit is not an opportunity to lobby the Board or advocate for any particular view or perspective on the merits of the Powertech proposal. It is an opportunity for the Board to view the locations discussed in the Powertech application, the Staff environmental documents, and the pleadings of the parties. During the site visit no evidence will be taken and no ex parte communications with the Board will be permitted.

date of service of this order. Answers thereto shall be filed within five days of the date on which a motion is filed.

The Board's law clerk, Ms. Nicole Picard, will be contacting the parties to arrange the details of the site visit.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 21, 2013

APPENDIX A
Site Visit Procedures – Powertech, USA Proceeding

The Atomic Safety and Licensing Board in the matter of Powertech's Dewey-Burdock In-Situ Uranium Recovery Facility Docket, No. 40-9075-MLA, ASLBP No. 10-898-02-MLA-BD01, will conduct a visit to the proposed site of Powertech's Dewey-Burdock In-Situ Uranium Recovery Facility in Custer and Fall River Counties, South Dakota. The purpose of the visit is to orient the Board so that it may better understand the testimony, documentary evidence, and pleadings that have been or will be filed in this case. The site visit will be conducted in accordance with the following procedures:

1. The Board, the NRC Staff, Powertech, the Oglala Sioux Tribe, and representatives of the Consolidated Intervenor will meet at a location to be specified in the coming weeks at 9:00 a.m. on Monday, September 23, 2013.
2. Attendees on the site visit shall wear clothing and shoes appropriate for spending several hours outside and for walking for a significant period of time. The Board invites Powertech to provide written suggestions in this regard.
3. The Board and the parties will travel as a single group on a walking and/or vehicular tour of the features and locations specified above.
4. In order that all attendees to the site visit can proceed as a single group, the Board's law clerk, Ms. Nicole Picard, will prepare an itinerary with the stops, locations, and corresponding times of the Board's visit.
5. Counsel or representatives for each party shall provide Ms. Picard with the names, addresses, and other identifying information for the site visit participants at least ten days prior to the site visit. Ms. Picard will then prepare a list of authorized site visit participants and circulate this list to each of the parties.

6. The site visit will be organized and will contain multiple stops to view and observe the items listed on page two of this Order.
7. Each stop or location during the site visit will have a single representative from among the parties serve as guide or host. The Board requests that, fourteen days before the site visit, the location host provide Ms. Picard and the Board with a one paragraph overview of each stop.
8. The parties should get together and prepare for the Board and all site visit participants appropriate maps that show the site and the locations to be viewed.
9. Consistent with the purpose of the site visit, only the members of the Board may ask questions during the visit. The questions will relate to site features, orientation, and location. The site visit is not open to the public. The site visit is not an opportunity for the parties to ask questions or make substantive presentations.
10. The site visit will not be recorded or transcribed.
11. If the site visit attendees believe that any information or communication that occurs during the site visit should be included in the evidentiary record of this proceeding, then they may file a motion to supplement the record. Any such motion must be specify the information that the party wishes to include in the evidentiary record and shall be filed within seven days after the site visit. Answers thereto shall be filed within seven days.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
POWERTECH (USA) INC.) Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility)
Source Materials License Application))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Site Visit)** have been served upon the following persons by Electronic Information Exchange.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA
ORDER (Scheduling Site Visit)

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[Original signed by Clara I. Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of August 2013.