

From: Burrows, Ronald
Sent: Tuesday, September 02, 2014 10:35 AM
To: Richard Blubaugh
Subject: ACKNOWLEDGMENT OF RECEIPT, STATUS, AND TAC NUMBERS TO TRACK REVIEWS: DEWEY-BURDOCK PROJECT LICENSING ACTIVITIES LC 9.5 and LC 12.23

Mr. Richard E. Blubaugh
Vice President – Environmental Health & Safety Resources
Powertech (USA) Inc.
5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111

SUBJECT: ACKNOWLEDGMENT OF RECEIPT, STATUS, AND TAC NUMBERS TO TRACK REVIEWS, DEWEY-BURDOCK PROJECT LICENSING ACTIVITIES, POWERTECH (USA), INC., FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA, DOCKET # 040-09075

Dear Mr. Blubaugh:

By letter dated July 3, 2014, Powertech (USA) Inc. (Powertech (USA)) submitted a license amendment application to the U.S. Nuclear Regulatory Commission (NRC) for its Source and Byproduct Materials License for the in-situ recovery of uranium at its Dewey-Burdock Facility in Fall River and Custer Counties, South Dakota. This request is in ADAMS at ML14191A034. The amendment request addressed License Conditions (LCs) 9.5 (financial assurance estimate) and 12.23 (revised Restoration Action Plan (RAP)) of NRC license SUA-1600. This e-mail provides a status on these amendment requests.

The initial financial surety estimate required under LC 9.5 has been accepted for a detailed technical review. The NRC staff has opened TAC J00729 (POWERTECH DEWEY-BURDOCK - 2014 SURETY ESTIMATE) to track costs related to this review. If additional information is needed to complete the NRC staff's review, a request for additional information (RAI) is expected to be available September 8, 2014.

The information submitted with the RAP to address LC 12.23 has not been accepted for a detailed technical review. The NRC staff determined the RAP to be incomplete in several areas. For example:

- In Section 3.2 of the RAP (Pre-Reclamation Radiological Surveys), Powertech relies on a known relationship between gamma radiation levels and radionuclide concentrations in soil. However, as previously communicated to Powertech (refer to ML13343A116), Powertech has not demonstrated that Ra-226 soil concentrations are correlated with gamma dose rates. In addition, no other radionuclide soil concentrations (e.g., U-nat) have been demonstrated to be correlated with gamma dose rates.
- Sections 3.6 (Surface Soil Cleanup Verification and Sampling Plans) and 5.0 (Radiological Survey and Environmental Monitoring) rely on gamma surveys to guide soil remediation efforts. As indicated above, Powertech has not demonstrated that concentrations of Ra-226 or other radionuclides in soil are correlated with gamma dose rates. Therefore, it is not clear to the NRC staff how remediation efforts will be evaluated for principal radionuclides.

- The NRC staff has identified the following deficiencies in Section 3.8 (Stream Channel Reclamation):
 - o Please define the terms “ephemeral” and “intermittent” as used in the Powertech RAP
 - o Please provide clarification on access roads in regards to the placement of culverts and the removal of culverts during reclamation
 - o In regards to the discussion on diversion channels, please address any dams or weirs built across streams

The NRC staff has opened TAC J00730 (POWERTECH DEWEY-BURDOCK - LIC. AMEND. LC 12.23/RAP REV.) to track costs related to the review of LC 12.23.

In accordance with 10 CFR 2.390 of the NRC’s “Agency Rules of Practice and Procedure,” a copy of this e-mail will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning the above, please contact me at (301) 415-6443 or via e-mail at Ronald.Burrows@nrc.gov.

Sincerely,

Ronald A. Burrows
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