

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

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Mark O. Barnett
G. Paul Bollwerk, III

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
November 2, 2017

ORDER
(Scheduling Telephonic Conference Call)

In response to the Licensing Board's October 24, 2017 order requesting scheduling information for a telephone or video conference with the parties,¹ a representative of the collective parties contacted the Board on October 31, 2017, regarding their availability. Based on the information provided, the meeting will be held by teleconference, and is scheduled for Thursday, November 16, beginning at 2:00 p.m. Eastern Time. The Board anticipates that this conference will last no more than two hours.

The Board will establish a bridge line for this telephone conference, with three lines provided for each party.² In the near future, a Board representative will contact the parties by e-mail with instructions on how to access the telephone conference. Listen-only telephone access will also be made available for members of the public. The Board's law clerk will contact the

¹ See Licensing Board Memorandum and Order (Requesting Scheduling Information for Conference Call) (Oct. 24, 2017) (unpublished).

² If any party requires additional lines, it should promptly contact Board law clerk Lindsay Simmons at Lindsay.Simmons@nrc.gov.

participants by email to provide the telephone number and pass code for listen-only access to oral argument. Members of the public who wish to listen to the conference may also contact the Board's law clerk, Lindsay Simmons, at 301-415-6077 or Lindsay.Simmons@nrc.gov, for the necessary listen-only telephone access information.

During the conference, the Board would like to discuss the parties' status in addressing the Final Supplemental Environmental Impact Statement (FSEIS) deficiencies, particularly as discussed in LBP-17-09. The subjects to be discussed include, but may not be limited to:

- (1) the status of development activities at the Dewey-Burdock site;
- (2) the current status of the parties' interactions with one another in an effort to address the Board's concerns regarding Contention 1A, including the effectiveness of communication between the parties;
- (3) the parties' collective and/or independent efforts to identify a methodology to identify tribal cultural, religious, and historic resources of significance missing in the FSEIS;
- (4) the NRC Staff's efforts to comply with 40 C.F.R. § 1502.22, specifically in either selecting a methodology for assessing tribal cultural resources that yields information on the identified FSEIS deficiencies or explaining why the alternatives available for obtaining the missing information are cost-prohibitive;
- (5) the NRC Staff's plan to prepare a supplement to the FSEIS regarding tribal cultural, historic, and religious resources of significance missing in the FSEIS; and

(6) the parties' positions regarding the procedural course the Board has established to bring about a resolution of Contention 1A, including the possible use of a settlement judge.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 2, 2017

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Telephonic Conference Call)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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

ORDER (Scheduling Telephonic Conference Call)

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

Dated at Rockville, Maryland
this 2nd day of November, 2017