

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
POWERTECH (USA), INC.)	Docket No.: 40-9075-MLA
)	
(Dewey-Burdock In Situ Uranium Recovery Facility))	Date: July 16, 2018
)	
)	
)	
)	

**POWERTECH (USA), INC.’S RESPONSE TO UNITED STATES
NUCLEAR REGULATORY COMMISSION STAFF’S MOTION TO
IMPOSE FILING DEADLINES FOR SUMMARY DISPOSITION
MOTIONS FOR CONTENTION 1A**

Powertech (USA), Inc. (Powertech), by its undersigned counsel of record, hereby submit this response to the United States Nuclear Regulatory Commission (NRC) Staff’s recent July 5, 2018, request that the Atomic Safety and Licensing Board (ASLB) adopt new filing deadlines for motions for summary disposition for Contention 1A in this proceeding pertaining to historic and cultural resource evaluations under the National Environmental Policy Act (NEPA) for NUREG-1910, Supplement 5 which serves as the Supplemental Environmental Impact Statement (SEIS) for Powertech’s Dewey-Burdock in situ leach uranium recovery (ISR) project in the State of South Dakota. In its recent filing, NRC Staff has noted that it believes that an impasse has been reached with the Oglala Sioux Tribe (Tribe) regarding how Contention 1A may be resolved pursuant to an agreement between all parties in April, 2018. There have been multiple attempts by all parties to resolve these issues over the course of the eight (8) years (April 6, 2010 for

initial hearing request) that this proceeding has been conducted since the initial hearing requests. Powertech asserts that the time has come to resolve this Contention in favor of NRC Staff and Powertech and supports NRC Staff's filing. Powertech is prepared to respond to a summary disposition motion from NRC Staff pursuant to whatever filing schedule the ASLB deems appropriate to adopt and respectfully requests that such a schedule be adopted as soon as possible. Powertech also believes that, even though the Tribe has requested a conference call with the ASLB on this matter, such a call is unnecessary at this time as NRC Staff has stated its position and the substance of such a motion should be heard by the ASLB before any other discussions are initiated. Therefore, Powertech supports NRC Staff's filing and requests that the ASLB establish a briefing schedule as soon as possible so that a ruling on the substance of an NRC Staff-initiated motion can be entertained.

Respectfully Submitted:

**/Executed (electronically) by and in
accord with 10 C.F.R. § 2.304(d)/
Christopher S. Pugsley, Esq.**

Dated: July 16, 2018

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **“POWERTECH (USA), INC.’S RESPONSE TO UNITED STATES NUCLEAR REGULATORY COMMISSION STAFF’S MOTION TO IMPOSE FILING DEADLINES FOR SUMMARY DISPOSITION MOTIONS FOR CONTENTION 1A”** in the above captioned proceeding have been served via the Electronic Information Exchange (EIE) this 16th day of July 2018, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding or via electronic mail where appropriate.

Respectfully Submitted,

**/Executed (electronically) by and in
accord with 10 C.F.R. § 2.304(d)/
Christopher S. Pugsley, Esq.**

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Dated: July 16, 2018