



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

October 29, 2018

MEMORANDUM TO: Troy W. Pruett, Director
Division of Nuclear Materials Safety

THROUGH: Janine F. Katanic, PhD, CHP, Chief/RA/
Fuel Cycle and Decommissioning Branch

FROM: Marti R. Poston, Health Physicist
Fuel Cycle and Decommissioning Branch

SUBJECT: POWERTECH (USA), INC. – DEWEY BURDOCK SITE

This memorandum serves to document Region IV staff's rationale to not include the Powertech (USA), Inc., Dewey Burdock site (Dewey Burdock), located in Fall River and Custer Counties, South Dakota, in the routine uranium recovery inspection schedule. Dewey Burdock has not been inspected since the NRC license was issued on April 24, 2014.

In August 2018, Region IV staff performed a self-assessment of the Region IV uranium recovery inspection program. During the self-assessment, it was identified that no documentation had been generated by Region IV inspectors explaining the rationale for not performing inspections at Dewey Burdock after the NRC license for uranium operations had been issued on April 8, 2014 (ADAMS Accession Number ML14043A392).

NRC Inspection Manual Chapter 2641 (MC 2641), "In-Situ Leach (ISL) Facilities Inspection Program," states that "Inspections during the construction and pre-operational phase of a facility will be conducted on a case-by-case basis. Pre-operational inspections will be conducted at least once before startup of facility operations."

Since the issuance of the Dewey Burdock license in 2014, the NRC Project Manager for the license has been in routine contact with the licensee to maintain awareness of any site activities. The NRC Project Manager and the Region IV uranium recovery inspection staff have discussed the status of the site on a routine basis. During these discussions, it was understood by Region IV staff that this licensee had not commenced construction activities, or entered into a pre-operational phase, or commenced licensed activity at the site. Based on this routine sharing of information, the facility was not scheduled for inspection after the license was issued or at any point thereafter.

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Based on the self-assessment, a corrective action was initiated to directly contact the licensee and confirm Region IV's understanding that no construction activities, pre-operational activities, or NRC-licensed activities had occurred since the license was issued. The licensee confirmed by email dated October 1, 2018, that no construction or pre-operational activities have occurred at the site since April 24, 2014. Based on this confirmation, the NRC concluded that the licensee had not initiated any activities that would have warranted an NRC inspection as described in MC 2641.

The Fuel Cycle and Decommissioning Branch staff will annually review the site status with the licensee and the NRC Project Manager and re-evaluate whether an inspection of the Dewey Burdock site is warranted. The results of the annual re-evaluation will be documented and reviewed by Division of Nuclear Materials Safety management. Inspections of the site will be scheduled once the NRC Project Manager and the licensee indicate that construction, pre-operational or licensed activities are planned or have commenced at the site.

Docket No: 040-09075
License No: SUA-1600

POWERTECH (USA), INC. – DEWEY BURDOCK SITE – DATED OCTOBER 29, 2018

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ADAMS ACCESSION NUMBER: ML18297A328

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