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	Docket No. 40-9075-MLA
POWERTECH USA, INC.	ASLBP No. 10-898-02-MLA-BD01
(Dewey-Burdock In Situ Uranium Recovery Facility)	January 24, 2019

ORDER
(Scheduling Second Telephonic Conference Call)

On December 6, 2018, the Board held its first conference call with the parties to this proceeding since the issuance of LBP-18-5 to discuss the NRC Staff's decision to resume implementation of its March 2018 Approach to identify historic, cultural, and religious sites at Powertech's Dewey-Burdock in situ recovery project.[1] During that conference, the NRC Staff suggested that monthly telephone status conference calls with the Board be reinstituted.[2] The parties have agreed to a second telephone conference to be held on Tuesday, January 29, 2019 beginning at 3:15 pm 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. Listen-only telephone access will also be made available for members of the public. The Board's law clerk will contact the participants by email to provide the telephone number and passcodes for participation and listen-only access. Members of the

[1] Tr. at 1469–1517.

[2] Tr. at 1498–99.

public who wish to listen to the conference may also contact the Board's law clerk, Taylor Mayhall, at 301-415-3027 or Taylor.Mayhall@nrc.gov, for the necessary listen-only telephone access information.

During the conference, the Board would like to discuss the Oglala Sioux Tribe's January 11, 2019 response to the NRC Staff's November 21, 2018 letter,[3] including the parties' views regarding any need for changes to the protective order in this proceeding.[4] We will also discuss any progress made by the NRC Staff in its efforts to resolve Contention 1A, in particular, finding a replacement for Dr. Nickens,[5] involving the Federal, State, and Tribal Liaison Branch in discussions with the Tribe,[6] developing an agreement on a site survey methodology,[7] and establishing a schedule for implementing the various aspects of the March 2018 Approach.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 24, 2019

[3] Oglala Sioux Tribe's Response to NRC Staff's November 21, 2018 Letter (Jan. 11, 2019) (ADAMS Accession No. ML19011A459).

[4] See id. at 5–6; Tr. at 1481–84.

[5] Tr. at 1470, 1476.

[6] See Letter from Lorraine Baer, NRC Staff Counsel, to Licensing Board (Jan. 2, 2019) (ADAMS Accession No. ML19002A442) ("[T]he Staff has arranged for support in those negotiations from the Federal, State, and Tribal Liaison Branch in the Office of Nuclear Materials Safety and Safeguards.").

[7] Id. ("The Staff is continuing to prepare for negotiations on the site survey methodology, in anticipation of receiving input from the Tribe on or before January 11, 2019.").

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(Dewey-Burdock In Situ Recovery Facility)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Second 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 Second Telephonic Conference Call)

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[Original signed by Herald Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 24th day of January, 2019