



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

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

Hearing Exhibit

Exhibit Number:

Exhibit Title:



POWERTECH (USA) INC.

April 11, 2018

John Mays
Powertech USA Inc.
5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111

Cinthya I. Román-Cuevas, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards, and Environmental Review
Office of Nuclear Material Safety and Safeguards

RE: U.S. NUCLEAR REGULATORY COMMISSION'S APPROACH TO IDENTIFY HISTORIC, CULTURAL, AND RELIGIOUS SITES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT IN FALL RIVER AND CUSTER COUNTIES (DOCKET NUMBER: 40-9075)

Dear Ms. Román-Cuevas:

Further to Powertech (USA) Inc.'s (hereinafter "Powertech") letter dated March 30, 2018 and the telephonic conference call on April 6, 2018 with the Atomic Safety and Licensing Board (hereinafter the "Board"), Powertech would like to clarify its position with respect to the NRC Staff's letter dated March 16, 2018 outlining the NRC Staff's approach to identify historic, cultural, and religious sites at the Dewey-Burdock in situ uranium recovery Project.

Powertech agrees to support the approach outlined in the NRC Staff's letter dated March 16, 2018 to identify historic, cultural, and religious sites at the Dewey-Burdock Project and would like the NRC Staff to urgently proceed with the approach and timeline outlined in this letter. However, Powertech will be making payments to the NRC for 10 CFR Part 170 fees for the NRC Staff and contractor costs associated with this approach, under protest, for the reasons outlined in Powertech's letter dated March 30, 2018 to the NRC Staff. Further, Powertech respectfully asks that the NRC Staff request that the Commission utilize a portion of its ten (10) percent discretionary budget under the Omnibus Budget Reconciliation Act (OBRA) to pay for the entirety of the NRC Staff and contractor costs associated with this approach, again, for the reasons outlined in Powertech's letter dated March 30, 2018 to the NRC Staff.



POWERTECH (USA) INC.

Further, Powertech agrees to reimburse each Lakota Sioux Tribe that participates in the NRC Staff approach using reimbursement rates consistent with those offered by the NRC Staff to the Oglala Sioux Tribe in the NRC Staff letter dated April 14, 2017 (ML17103A500). These reimbursement rates are also consistent with those referenced in the NRC Staff letter dated March 16, 2018 and the NRC Staff cost estimate dated January 17, 2018 (ML18017B322) and are as follows:

- Lodging and per diem: Powertech will provide \$136.00 per day for lodging and \$59.00 per day for meals and incidental expenses for each tribal representative.

Mileage: Powertech will pay mileage at \$0.535 per mile for one round trip for each phase of the field survey (two phases are included in the NRC Staff approach) for up to two vehicles for each Lakota Sioux Tribe from the tribal representatives' point of origin to Edgemont, South Dakota.

- Powertech will provide a \$10,000 honorarium to each Lakota Sioux Tribe. This honorarium may be used at each Tribe's discretion.

For clarity, each honorarium will be paid to each Lakota Sioux Tribe on successful completion of all activities pertaining to the NRC Staff approach, in accordance with the timeline developed by the NRC Staff, including the submission of a final report identifying historic, cultural, and religious sites at the Dewey-Burdock Project or a written submission that no such report will be submitted.

Furthermore, Powertech agrees to provide the field survey support requested in the NRC Staff's letter dated March 16, 2018 outlined in the seven (7) bullet points listed on pages three (3) and four (4) of the letter.

Powertech looks forward to supporting the NRC Staff, the Lakota Sioux Tribes, the Board, and all other parties involved with the NRC Staff approach to ensure that Contention 1A is resolved in an efficient manner in accordance with the NRC Staff timeline. Powertech requests strong support of the NRC Staff to oppose any further actions that would further delay the resolution of Contention 1A and/or the completion of the NRC Staff's supplemental analysis to the Final SEIS for the Dewey-Burdock Project as outlined in the NRC Staff's letter dated March 16, 2018. As



POWERTECH (USA) INC.

noted by the NRC Staff in the most recent telephonic hearing dated April 6, 2018, the proposed site surveys are time-sensitive in nature and the process must be conducted quickly in order to comport with the current proposed timeline. Powertech also notes that its current pending appeal with the Commission, if resolved in favor of the NRC Staff and Powertech, may result in cessation of any and all aspects of NRC Staff's approach.

Sincerely,

John Mays
Chief Operating Officer

CC: Blake Steele, President and CEO
John Tappert, NRC, Diana Diaz Toro, NRC, David Cylkowski, NRC,
Kellee Jamerson, NRC, Bill Von Till, NRC
U.S. Senator, Mike Rounds, South Dakota (R)
U.S. Senator, John Thune, South Dakota (R)
U.S. Representative, Kristi Noem, South Dakota (R)