

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Jeremy A. Mercer, Chair
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of:

POWERTECH (USA) INC.,

(Dewey-Burdock In Situ Uranium Recovery
Facility)

Docket No. 40-9075-LR

ASLBP No. 25-987-01-LR-BD01

November 20, 2024

MEMORANDUM AND ORDER
(Oral Argument Logistics and Administrative Information)

Per the Board's October 29 and November 13, 2024 Orders, oral argument will be conducted in this proceeding on Tuesday, December 3, 2024, beginning at 10:00 a.m. EST. While the Board is uncertain how long the argument will take, and the Board will endeavor to streamline the argument as much as possible, it is blocking until 3:00 p.m. EST and suggests that all participating counsel plan to accommodate no more than a 60-minute lunch period.

The oral argument will be conducted via a web conferencing platform. On or before **noon EST on Tuesday, November 26, 2024**, each of the NRC Staff, Powertech (USA) Inc., the Organizational Petitioners (Oglala Sioux Tribe, Black Hills Clean Water Alliance, and NDN Collective), and the Individual Petitioner (Susan Henderson) shall provide an email to the Board's law clerk, Ms. Dean (whitlee.dean@nrc.gov), identifying the name(s)¹ and email address(es) of the counsel who will be presenting on behalf of that participant, along with the counsel's preferred title (e.g., Mr., Mrs., Ms., etc.). Those identified counsel will be the only

¹ See Licensing Board Memorandum and Order (Initial Prehearing Order) (October 17, 2024) at n.5 (unpublished).

participant representatives given video access to the argument.²

The oral argument's primary purpose is to allow the Board to ask questions and obtain answers concerning the admissibility of the petitioners' proffered contentions under 10 C.F.R. § 2.309. Because the argument is not an evidentiary hearing, the participants should not attempt to introduce evidence during the argument. Additionally, material not already cited in the relevant pleadings should not be used. Counsel should keep in mind that the Board has read the written pleadings. Counsel should not simply repeat arguments but focus on providing answers to the questions posed, with references to documents in the docket as necessary. In addition to other preparation, counsel should be prepared to discuss Crow Butte Resources, Inc. (Marsland Expansion Area), CLI-14-2, 79 N.R.C. 11 (2014).

Although the participants' counsel will be appearing remotely, all those taking part in the oral argument should conduct themselves as if in a hearing room setting, including seeking to minimize outside noise and interruptions while the argument is ongoing.

As a reminder, members of the public utilizing the listen-only telephone line will **not** be able to participate in the argument in any way, including by pressing *5.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

/RA/

Jeremy A. Mercer, Chair
Administrative Judge

Rockville, Maryland
November 20, 2024

² If a participant believes it needs video access to the argument for additional persons for consultation purposes, **by noon EST on Tuesday, November 26, 2024**, it should provide a separate e-mail to Ms. Dean, with a copy to all other participants, identifying the name(s), e-mail address(es), and preferred title(s) of the additional individual(s) who should be given video access and explaining why such access is necessary. If granted, though, that video access will not provide participant's counsel with the ability to communicate privately with the designated individual(s). Thus, counsel should make other arrangements to allow for prompt and private consultation in formulating a response to a Board question.

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NUCLEAR REGULATORY COMMISSION

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)	
POWERTECH (USA) CORP.)	Docket No. 40-9075-LR
)	
(Dewey-Burdock In-Situ Uranium Recovery)	
Facility))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Oral Argument Logistics and Administrative Information)** have been served upon the following persons by Electronic Information Exchange.

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MEMORANDUM AND ORDER (Oral Argument Logistics and Administrative Information)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of November 2024.