

April 8, 2014

William J. Froehlich, Chair
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark O. Barnett
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
POWERTECH (USA) INC.,
Docket No. 40-9075-MLA; ASLBP No. 10-898-02-MLA-BD01

NRC STAFF'S NOTICE OF LICENSE ISSUANCE

Dear Administrative Judges and the Parties:

Today the Nuclear Regulatory Commission (NRC) Staff issued Powertech (USA) Inc. NRC Source Materials License No. SUA-1600. The license allows Powertech to possess and use source and byproduct material in connection with its Dewey-Burdock Project in Fall River and Custer Counties, South Dakota. The license is available in the NRC's Agencywide Documents Access Management System (ADAMS) under Accession Number ML14043A392.¹

When the Staff issues a license while there is a hearing pending under Subpart L of 10 C.F.R. Part 20, as is the case here, its notice to the Board and parties "must include the NRC staff's explanation why the public health and safety is protected and why the action is in accord with the common defense and security despite the pendency of the contested matter before the presiding officer." 10 C.F.R. § 2.1202(a).

As documented in the Staff's Safety Evaluation Report for Powertech's application, the Staff finds that the application complies with the Atomic Energy Act and the NRC's regulations. More specifically, the Staff finds that Powertech's application meets all applicable requirements in 10 C.F.R. Parts 20 and 40. In particular, under § 40.32(b) the Staff finds that Powertech is

¹ ADAMS Accession Package Number ML14043A052 includes the license transmittal letter, the license, and the Final Safety Evaluation Report. The NRC staff also issued its Record of Decision for the Dewey-Burdock Uranium In-Situ Recovery (ISR) Project today and it may be found at ADAMS Accession No. ML14066A466. The Final Programmatic Agreement was executed April 7, 2014 and is available in ADAMS Accession Package No. ML14066A344.

qualified by reason of training and experience to use source material for its requested purpose. Under § 40.32(c), the Staff finds that the equipment and procedures Powertech proposes to use at the Dewey-Burdock Project are adequate to protect public health and minimize danger to life or property.

Based on these findings and the specific analysis in its Safety Evaluation Report, under § 40.32(b) the Staff finds that issuing a license to Powertech is not inimical to either public health and safety or common defense and security. The pending hearing before the Board does not affect these conclusions. The Staff has considered the safety-related arguments raised by the Intervenor in the hearing, but those arguments do not affect the conclusions in the Safety Evaluation Report.

Sincerely,

***/Signed (electronically) by/
Michael L. Clark***

Michael L. Clark
Counsel for NRC Staff

cc: Electronic Information Exchange Service List
By email to Mr. David Frankel and Mr. Travis Stills

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
)	ASLBP No. 10-898-02- MLA-BD01
)	
(Dewey-Burdock In Situ Uranium Recovery)	Date: April 8, 2014
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that copies of the "NRC STAFF'S NOTICE OF LICENSE ISSUANCE" have been served via the NRC's Electronic Information Exchange (EIE) or, for those participants exempted from filing through the EIE, by electronic mail, on this 8th day of April, 2014.

***/Signed (electronically) by/
Patricia A. Jehle***

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Patricia.Jehle@nrc.gov
Date of Signature: April 8, 2014