

November 29, 2016

Mr. Blake Steele, President
Powertech (USA) Inc.
5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111

SUBJECT: BILLING FOR POST-HEARING WORK REGARDING THE ATOMIC SAFETY AND
LICENSING BOARD INITIAL DECISION IN THE MATTER OF THE
DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT (DOCKET
NUMBER 40-9075)

Dear Mr. Steele:

On April 30, 2015, the Atomic Safety and Licensing Board (Board) issued its initial decision on the admitted contentions in the Dewey-Burdock In Situ Uranium Recovery Project proceeding (LBP-15-16). On Contentions 1A and 1B, the Board concluded that the U.S. Nuclear Regulatory Commission (NRC) staff's final National Environmental Policy Act review did not contain an analysis of the impacts of the project on the cultural, historical, and religious sites of the Oglala Sioux Tribe, and that the staff's consultation with the Tribe under the National Historic Preservation Act was inadequate.

During the NRC staff's ongoing efforts to address the Board's findings, the NRC staff identified an issue regarding the costs related to its curative actions. The NRC staff had previously concluded that it was not required to bill Powertech (USA) Inc. under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 170 for such efforts. The NRC staff, however, revisited this matter and the NRC's Office of the Chief Financial Officer (CFO) has determined that this work must be billed under 10 CFR Part 170 (direct fee-billable work). The NRC staff informed Powertech of these determinations during a teleconference call on November 1, 2016, and informed the Board and parties in the Dewey-Burdock proceeding through its monthly status update.

As of October 31, 2016, you will be billed under 10 CFR Part 170 for the staff's efforts to address the Board's findings. As has been the case to date, consistent with the provisions in 10 CFR Part 171, you will not be billed for the staff's activities in direct support of the conduct of the contested hearing. Additionally, pursuant to the CFO's authority, the CFO will waive any costs incurred prior to October 31, 2016, for the NRC staff's curative actions in response to the Board's initial decision due to the difficulty in segregating those costs from other non-fee billable activities.

B. Steele

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If you have any questions, please contact either Ms. Kellee Jamerson or Mr. Ron Burrows of my staff. Ms. Jamerson, the environmental project manager, can be reached by telephone at (301) 415-7408 or via e-mail at Kellee.Jamerson@nrc.gov. Mr. Burrows, the licensing project manager, can be reached by telephone at (301) 415-6443 or via e-mail at Ronald.Burrows@nrc.gov.

Sincerely,

/RA/

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9075
License No. SUA-1600

cc: Mr. John Mays

B. Steele

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If you have any questions, please contact either Ms. Kellee Jamerson or Mr. Ron Burrows of my staff. Ms. Jamerson, the environmental project manager, can be reached by telephone at (301) 415-7408 or via e-mail at Kellee.Jamerson@nrc.gov. Mr. Burrows, the licensing project manager, can be reached by telephone at (301) 415-6443 or via e-mail at Ronald.Burrows@nrc.gov.

Sincerely,

/RA/

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9075
License No. SUA-1600

cc: Mr. John Mays

ADAMS Accession Number: ML16313A013

OFC	FCSE/ERB	FCSE/ERB	FCSE/ERB	FCSE	DUWP/URLB	DUWP
NAME	KJamerson	AWalker-Smith	JCaverly	BSmith	BVonTill	JTappert
DATE	11/08/16	11/08/16	11/08/16	11/09/16	11/10/16	11/17/16
OFC	OGC via e-mail	OGC via e-mail	OCFO	OCFO	Tech Ed	NMSS
NAME	EMonteith	JSuttenberg	MKaplan	MWylie	WMoore	MDapas
DATE	11/21/16	11/22/16	11/23/16	11/23/16	11/28/16	11/29/16

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