

January 17, 2018

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
	)	
(Dewey-Burdock	)	
In Situ Uranium Recovery Facility)	)	

NRC STAFF RESPONSE TO JANUARY 9, 2018 ORDER  
(SCHEDULING THIRD TELEPHONIC CONFERENCE CALL)

On January 9, 2017, the Atomic Safety and Licensing Board (Board) issued an Order that, in part, requested the NRC Staff (Staff) to “provide, by no later than January 19, 2018, an estimate of cost for its originally proposed methodology, discussed in LBP-17-09.”<sup>1</sup> In the enclosed document, the Staff has provided its estimate of costs associated with implementing the Staff’s April 2017 site survey proposal (Attachment 1). Also in the enclosed document, the Staff has provided a more detailed estimate of costs associated with implementing the Staff’s December 2017 proposal to better aid the parties’ consideration of the Staff’s current proposal. Finally, and solely to provide additional context, the Staff has included an estimate of the current costs that would be associated with implementing the September 2012 Makoche Wowapi proposal.

The Staff emphasizes that the figures provided in the enclosed document reflect only the Staff’s estimate of these costs, and do not represent actual or final figures or a commitment by the Staff that the costs associated with activities conducted to implement any proposed approach would conform to the estimate provided in the enclosed document. The Staff also

---

<sup>1</sup> Order (Scheduling Third Telephonic Conference Call) at 4 (January 9, 2018) (unpublished).

notes that, where relevant, the estimated costs include both those items that the NRC would bill directly to the licensee, as well as those that the licensee may provide directly to the Tribe.

Respectfully submitted,

***/Signed (electronically) by/  
Emily Monteith***

---

Emily Monteith  
Counsel for NRC Staff

Dated at Chicago, Illinois  
this 17th day of January, 2018.

Enclosure: Attachment 1: Cost Estimates of Proposed Methodologies

Cost Estimates of Proposed Methodologies**Summary Table<sup>1</sup>**

	<b>NRC's December 2017 Proposal</b>	<b>NRC's April 2017 Proposal</b>	<b>Makoche Wowapi Proposal<sup>2</sup></b>
NRC FTE	Approximately 1 full time equivalent (FTE) <sup>3</sup>	Approximately 1 FTE	Approximately 1 FTE
NRC Staff Travel Cost	Meetings with Tribal Leaders and Oral History Interviews  ~ \$3,600	N/A	N/A
	Field Survey (two weeks per trip; two NRC staff; two trips)  ~ \$13,200	Field Survey (two weeks; two NRC staff; one trip)  ~ \$6,600	Field Survey (four weeks per trip; two NRC staff; two trips)  ~ \$25,600
Contractor	Approximately \$250,000	Approximately \$200,000	Approximately \$818,000
Reimbursement to Tribes (mileage, per diem, lodging)	Field Survey (five Tribes; three Tribal representatives/Tribe) ~ \$81,000	Field Survey (one Tribe; three Tribal representatives) ~ \$8,100	N/A
Potential stipend/honoraria to Tribes	Field Survey (five Tribes; three Tribal representatives/Tribe)  \$50,000	Field Survey (one Tribe; three Tribal representatives)  \$10,000	N/A
Total	~ 1 FTE + \$397,800 = <b>~ 792,300</b>	~ 1 FTE + \$224,700 = <b>~ 619,200</b>	~ 1 FTE + \$843,600 = <b>~ 1,238,100</b>

<sup>1</sup> The estimated costs in this Table are based upon the assumptions described in the following Estimated Breakdown of Costs.

<sup>2</sup> On September 27, 2012, the consulting tribes presented a cultural resources survey proposal prepared by Makoche Wowapi/Mentz-Wilson Consultants to the NRC Staff as a means to identify resources of cultural significance to Tribes in the Dewey-Burdock ISR project area. A redacted version was created for use in an evidentiary hearing in another in situ mining license proceeding and is available at Agencywide Documents Access and Management System (ADAMS) Accession Number ML15244B360. The NRC staff has included the Makoche Wowapi proposal as a reference point.

<sup>3</sup> For the purpose of conservatively estimating the costs of the various proposals for the Board and parties in this proceeding, the Staff has refined its estimate of the FTE associated with implementing the proposed methodologies. The Staff currently estimates 1.0 FTE to be equivalent to approximately \$394,500. This estimate is based on the Fiscal Year 2017 Final Fee Rule, and assumes an hourly rate of \$263 and 1500 productive hours per FTE. The Staff notes that the hourly rate may change for Fiscal Year 2018 and the actual hours worked may vary from this estimate.

## **Estimated Breakdown of Costs**

### NRC's December 2017 Proposal:

- A. ~1.0 FTE
- B. Contractor ~ \$250,000
- C. NRC staff travel
  - a. Meetings with Tribal Leaders and oral history interviews
    - i. Assumptions
      - 1. Five Tribes
      - 2. One week total
      - 3. One NRC staff and one NRC senior manager
    - ii. Per diem – Government rate for March through May 2018 timeframe for Fall River and Custer County, SD
      - 1. Lodging: \$93/night
      - 2. M&IE: \$59/day
    - iii. Flight ~ \$700 roundtrip per person
    - iv. Subtotal per person ~ \$1,800
    - v. Total ~ \$3,600
  - b. Tribal Field Survey
    - i. Assumptions
      - 1. Two staff
      - 2. Four weeks total, divided into two trips
    - ii. Per diem – Government rate for June through August 2018 timeframe for Fall River and Custer County, SD
      - 1. Lodging: \$133/night
      - 2. M&IE: \$59/day
    - iii. Flight ~ \$700 roundtrip per person
    - iv. Subtotal per person per trip ~ \$3,300
    - v. Total ~ \$13,200
- D. Reimbursement to Tribes for travel, lodging, and per diem (field survey)
  - a. Assumptions
    - i. Five Tribes
    - ii. Three Tribal representatives per Tribe
    - iii. Four weeks total, divided into two trips
  - b. Per diem
    - i. Lodging: \$136/night
    - ii. M&IE: \$59/day
  - c. Mileage ~ \$0.535/mile (~\$300 roundtrip per Tribe; approximately 250 miles)
  - d. Subtotal per Tribal representative per trip ~ \$2,700
  - e. Total ~ \$81,000
- E. Potential stipend/honoraria to Tribes (field survey)
  - a. Assumptions
    - i. Five Tribes
  - b. \$10,000 per Tribe
  - c. Total – \$50,000
- F. Approximate Total ~ 1 FTE + \$397,800

NRC's April 2017 Proposal:

- A. ~1.0 FTE
- B. Contractor ~ \$200,000
- C. NRC staff travel
  - a. Tribal Field Survey
    - i. Assumptions
      - 1. Two NRC staff
      - 2. Two weeks total, a single trip
    - ii. Per diem – Government rate for June through August 2018 timeframe for Fall River and Custer County, SD
      - 1. Lodging: \$133/night
      - 2. M&IE: \$59/day
    - iii. Flight ~ \$700 roundtrip per person
    - iv. Subtotal per person ~ \$3,300
    - v. Total ~ \$6,600
- D. Reimbursement to Tribes for travel, lodging, and per diem (field survey)
  - a. Assumptions
    - i. One Tribe
    - ii. Three Tribal representatives per Tribe
    - iii. Two weeks total, a single trip
  - b. Per diem
    - i. Lodging: \$136/night
    - ii. M&IE: \$59/day
  - c. Mileage ~ \$0.535/mile (~\$100 roundtrip; approximately 80 miles)
  - d. Subtotal per Tribal representative ~ \$2,700
  - e. Total ~ \$8,100
- E. Potential stipend/honorarium to Tribe (field survey)
  - a. Assumptions
    - i. One Tribe
  - b. \$10,000 per Tribe
  - c. Total – \$10,000
- F. Approximate Total ~ 1 FTE + \$224,700

Makoche Wowapi Proposal:

- A. ~1.0 FTE
- B. Contractor ~ \$818,000
- C. NRC staff travel
  - a. Tribal Field Survey
    - i. Assumptions
      - 1. Two NRC staff
      - 2. Eight weeks total, divided into two trips
    - ii. Per diem – Government rate for June through August 2018 timeframe for Fall River and Custer County, SD
      - 1. Lodging: \$133/night
      - 2. M&IE: \$59/day
    - iii. Flight ~ \$700 roundtrip per person
    - iv. Subtotal per person per trip ~ \$6,400
    - v. Total ~ \$25,600
- D. Approximate Total ~ 1 FTE + \$843,600

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 Facility)	)	Date: January 17, 2018
	)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "NRC STAFF'S RESPONSE TO JANUARY 9 ORDER" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 17th day of January, 2018. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on January 17, 2018.

***/Signed (electronically) by/  
Emily Monteith***

---

Emily Monteith  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-14A44  
Washington, DC 20555-0001  
(301) 415-0926  
[Emily.Monteith@nrc.gov](mailto:Emily.Monteith@nrc.gov)