

April 2, 2018

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

G. Paul Bollwerk, III
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

Dear Administrative Judges:

In accordance with the Board's Partial Initial Decision issued on April 30, 2015, and the Board's Memorandum and Order issued on October 19, 2017, the Staff submits this monthly status report regarding the progress of its efforts to resolve Contention 1A.

By letters dated March 16, 2018, the Staff notified the Oglala Sioux Tribe, Powertech, and the Consolidated Intervenor of its selection of a methodology for remedying the deficiencies identified by the Board with respect to the Staff's environmental review of tribal cultural resources that may be affected by the Dewey-Burdock project. Based on the Oglala Sioux Tribe's statements that the Staff's December 2017 proposed approach would provide a reasonable likelihood of satisfying the National Environmental Policy Act (NEPA) and resolving Contention 1A, the Staff's selected approach incorporated the essential components of the Staff's December 2017 proposal.

The Staff requested that the Oglala Sioux Tribe respond regarding its willingness to participate in the implementation of the selected approach and timeline described in the letter by March 30, 2018. The Staff also requested that Powertech respond regarding its ability to participate in the implementation of the selected approach and timeline described in the letter by March 30. Finally, the Staff requested that the Consolidated Intervenor provide any comments on the selected approach by March 30.

On March 27, 2018, the Board held a teleconference with the parties. In the teleconference, counsel for the Staff explained that the Staff had already begun the process of obtaining a contractor to support the selected approach. Tr. at 1343. Counsel for the Staff noted that the Staff would need a definitive response from the parties on the Staff's approach by the following week, and that a response raising additional concerns or requiring additional discussions over the merits of the approach could effectively constitute a rejection of the approach as it would likely cause the Staff to be unable to support the material elements of the approach, notably the site survey scheduled for June 2018. Tr. at 1348-50, 1363, 1366.

On March 30, 2018, the Staff received responses from the Oglala Sioux Tribe and Powertech to the Staff's March 16, 2018 letters regarding its selected approach. The Staff did not receive comments from the Consolidated Intervenors. The Oglala Sioux Tribe's and Powertech's responses were filed via the NRC's Electronic Information Exchange and are included in the Staff's April 2, 2018 hearing file update.

The Staff plans to participate with the Board and parties in another teleconference to be scheduled for the week of April 2, 2018.

The Staff will update the Board on the status of its efforts to resolve Contention 1A on May 1, 2018.

Respectfully submitted,

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

Emily Monteith
Counsel for NRC Staff

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 2, 2018
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "NRC STAFF'S STATUS REPORT" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 2nd day of April, 2018. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on April 2, 2018.

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

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