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Petitioners seek to challenge uranium mining proposal



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Curt Nettinga Hot Springs Star | Posted: Tuesday, June 8, 2010 9:27 pm | (0) Comments

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CUSTER -- A U.S. Atomic Safety and Licensing Board panel heard from two groups Tuesday opposing in situ uranium mining in Fall River and Custer counties in Custer's City Hall.

At the heart of Tuesday morning's testimony was the groups' contention that the mining process will damage underground aquifers, which they depend upon for drinking water and for agricultural production.

The hearing continues at 9 a.m. today in Custer City Hall.

Powertech USA has been working to obtain a uranium mining permit for the Dewey-Burdock area, north of Edgemont. Powertech submitted an application to the Nuclear Regulatory Commission in February 2009 and supplemented it in August.

Two groups -- the Oglala Sioux Tribe and a collection of people termed Consolidated Petitioners -- oppose the mining project and the issuance of any permit from the commission.

Included in those opposing the mining are Dayton Hyde, founder, owner and operator of the Black Hills Wild Horse Sanctuary south of Hot Springs; The Clean Water Alliance, Rapid City; and Aligning for Responsible Mining in Pine Ridge, as well as other individuals from the Southern Black Hills and the Rapid City area.

"Can you look all these people in the eye and tell them that what you are proposing will not poison their water and deteriorate their way of life?" asked David Frankel, a member of the Consolidated Petitioners, and counsel for the group.

Tony Thompson, lead counsel for Powertech, began his response by saying, "I can state unequivocally that this will not harm your drinking water."

In situ mining involves leaving ore in the ground and recovering the minerals from it by dissolving them in liquid and pumping the solution to the surface, where the minerals can be recovered.

William Froelich, one of three administrative judges on the panel, took testimony from both groups opposing the project, as well as from attorneys representing Powertech, and Mike Clark, representing the commission staff.

Froelich, along with fellow panel members Richard Cole and Mark Barnett, are taking testimony to better understand whether or not the petitioners have standing and whether the contentions put forth by the petitioners warrant further scrutiny.

For the judges to find that the petitioners have standing, the petitioners must show that there is at least one admissible contention to be considered. If that burden is met by the Oglala Sioux Tribe or the Consolidated Petitioners, then a full evidentiary hearing may be raised.

After reviewing the testimony, transcripts and other evidence, the judges will render a ruling in the matter, which could take several months.

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