

May 2, 2011

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
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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

Dear Administrative Judges:

On October 4, 2010, the Board issued an Order directing the Staff to submit monthly status reports specifying the Staff's best estimate of the issuance dates for draft and final documents associated with its review of Powertech's application.

On December 23, 2010, Powertech responded to requests for additional information (RAIs) the Staff had issued regarding its safety review of Powertech's application.¹ However, during its technical acceptance review of Powertech's RAI responses, the Staff identified a significant number of deficiencies. The Staff discussed these deficiencies with Powertech during an April 7-8, 2011 public meeting.

Based on the length of time it has taken Powertech to submit its current RAI responses, and based on the deficiencies in those responses, the Staff has temporarily suspended its safety review of Powertech's application. The Staff will resume its safety review once it receives acceptable RAI responses from Powertech. Once the Staff receives acceptable RAI responses and begins its review, the Staff estimates that it will take approximately eight months to finalize the Safety Evaluation Report (SER) for Powertech's application. The Staff would caution, however, that its ability to resume its safety review will depend on the availability of personnel and other resources at the time Powertech's RAI responses are received.

Although the Staff has suspended its safety review of Powertech's application, it will continue certain activities related to its environmental review. These activities include preparation of the Supplemental Environmental Impact Statement (SEIS) and consultation under Section 106 of

¹ Powertech's RAI response can be found at ADAMS Accession No. ML110030730. The Staff's letter transmitting the RAIs is at ADAMS Accession No. ML101460286 (May 28, 2010).

the National Historic Preservation Act (NHPA). However, because the Staff will be relying on information from its safety review to prepare certain sections of the Draft SEIS and Final SEIS, the Staff has also revised its estimates for these documents to reflect the delayed receipt of RAI responses.

Regarding the NHPA process, the Staff has tentatively scheduled a meeting with interested Indian Tribes during the week of June 6–10, 2011 to discuss traditional cultural properties that may be affected by operations at Dewey-Burdock. The Staff expects to issue a formal meeting invitation and agenda in the next week.

Below are the Staff's current best estimates for the issuance dates of documents associated with its reviews. These estimates assume that Powertech submits RAI responses within the next two months and that those responses are sufficient for the Staff to begin detailed technical review.

Draft SEIS
April 2012

Final SER
February 2012

Final SEIS
September 2012

Each of these dates has been revised since the last status report. The Staff will provide updated estimates in its next status report, which it will file on June 1, 2011.

Sincerely,
***/Signed (electronically) by/
Patricia Jehle***

Patricia Jehle
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: May 2, 2011
Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S STATUS REPORT" in this proceeding have been served via the Electronic Information Exchange (EIE) this 2nd day of May 2011, which to the best of my knowledge resulted in transmittal of the copies to those on the EIE Service List for the above-captioned proceeding.

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

Patricia Jehle
Counsel for the NRC Staff