

September 15, 2014

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

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:

Consistent with 10 C.F.R. § 2.336, 10 C.F.R. § 2.1203, and the Board's orders in this proceeding, the U.S. Nuclear Regulatory Commission (NRC) Staff is providing an update to its previous disclosures. (Attachment 1.) The Staff has identified certain documents that are potentially relevant to issues within the admitted contentions.

The first three documents are documents that Powertech recently disclosed to all parties: a January 2014 take permit application, a BLM letter regarding Powertech's proposed Plan of Operations, and a draft avian management plan.

The next three documents relate to treatment plans that will be developed under the Programmatic Agreement for the Dewey-Burdock Project. Although the documents do not list consulting American Indian tribes as recipients, the Staff did, in fact, copy each consulting tribe on the documents.¹

The final three documents relate to the Restoration Action Plan that Powertech had to submit under License Conditions 9.5 and 12.23. Except for the last document—the Staff's acknowledgement of receipt—these documents have been publicly available through ADAMS since mid-July.

Along with the attached update to its hearing file index, the Staff is providing an affidavit certifying that all documents required to be disclosed under 10 C.F.R. § 2.336(c) have, in fact, been disclosed.

¹ The Staff omits tribal email addresses because certain tribal contacts have asked the Staff to not disseminate their addresses.

The Staff will update its mandatory disclosures, hearing file, and privilege logs in accordance with 10 C.F.R. §§ 2.336(d) and 2.1203(c), as necessary, until the presiding officer issues a decision closes the hearing record.

Sincerely,

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

Patricia A. Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Affidavit of Ronald Burrows

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
September 15, 2014 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-2901	ML14247A389	09/09/2014	Powertech's Dewey-Burdock DRAFT Avian Management Plan [OFFICIAL EXHIBIT - APP-071-00-BD01, 2013 Wildlife Monitoring Report and Status Update for the Dewey-Burdock Project].
00-2902	ML14258B063	01/10/2014	Powertech Letter to US Fish and Wildlife Service Re Application 3 200 71 for Take Permit for Dewey Burdock Project (Non-public document contains sensitive information on the locations of eagle nests).
00-2903	ML14258B055	07/08/2014	Letter from BLM to Powertech requesting additional information on the Dewey Burdock Project the Plan of Operations.
00-2904	ML14216A003	07/30/2014	Request for Treatment Measures- PA Regarding Dewey-Burdock Project. (Package)
00-2905	ML14216A004	07/30/2014	K. Jamerson Email Re: Request for Treatment Measures - PA Regarding Dewey-Burdock ISR Project.
00-2906	ML14251A005	07/30/2014	Treatment Plan Preparation Review Tables 1-2 Final DB PA – NRC Staff's Proposed Treatment Plan for Powertech (USA) Inc. Dewey-Burdock Project.
00-2907	ML14191A035	07/03/2014	Appendix 6.6-A Restoration Action Plan.
00-2908	ML14191A036	07/03/2014	Request to Amend License SUA-1600, Dewey-Burdock Project, License Conditions 9.5 and 12.23, Docket 40-9075.
00-2909	ML14247A184	09/02/2014	Email from Richard Blubaugh, Powertech to Ron Burrows, NRC re: Acknowledgment of Receipt, Status, and TAC Numbers to Track Reviews: Dewey-Burdock Project Licensing Activities LC 9.5 and LC 12.23.

September 15, 2014

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))	ASLBP No. 10-898-02-MLA-BD01
)	


AFFIDAVIT OF RONALD BURROWS CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Ronald Burrows, do hereby state as follows:

1. I am employed as a Senior Health Physicist in the Nuclear Regulatory Commission's Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, Decommissioning and Uranium Recovery Licensing Directorate. Among my responsibilities, I serve as Project Manager for Powertech (USA) Inc.'s application for a license to be used in connection with the proposed Dewey-Burdock uranium recovery facility. In this capacity, I am managing the preparation of the NRC Staff's hearing file and mandatory disclosures in connection with Powertech's application.

2. I hereby certify that all materials the Staff must disclose in this proceeding under 10 C.F.R. § 2.336(b) and (c) have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ronald Burrows

Executed in Rockville, MD
this 15th day of September, 2014

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: September 15, 2014
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (revised), I hereby certify that copies of the foregoing "UPDATE TO NRC STAFF'S HEARING FILE INDEX" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 15th day of September, 2014.

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

Patricia A. Jehle
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Date of Signature: September 15, 2014