

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE COMMISSION**

**In the Matter of:**

**POWERTECH (USA), INC.**

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

**) Docket No.: 40-9075-MLA**

**) Date: March 28, 2016**

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**POWERTECH (USA), INC. REQUEST FOR STATUS REPORT ON  
PETITION FOR REVIEW OF LBP-15-16**

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Washington, DC 20036**

**COUNSEL FOR POWERTECH (USA), INC.**

**March 28, 2016**

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In the Matter of:	)	
	)	Docket No.: 40-9075-MLA
POWERTECH (USA), INC.	)	
	)	Date: March 28, 2016
(Dewey-Burdock In Situ Uranium Recovery	)	
Facility)	)	
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On April 30, 2015, the United States Nuclear Regulatory Commission’s (NRC) Atomic Safety and Licensing Board (the “Board”) issued LBP-15-16 in which Powertech (USA), Inc. (Powertech), NRC Staff, the Oglala Sioux Tribe (the “Tribe”), and the Consolidated Intervenor (“CI”) litigated several admitted contentions. Two admitted contentions (Contentions 1A and 1B) were determined, in part, to be in favor of the Tribe and CI. On May 26, 2015, Powertech submitted a Petition for Review of LBP-15-16 to the extent that the Board ruled in favor of the Tribe and CI on Contentions 1A and 1B. In addition, Powertech’s Petition for Review included a request for expedited review due to the fact that the Commission’s determination will significantly impact the issuance of other permits and approvals that are required from other agencies, including two pending hearings before agencies in the State of South Dakota and Safe Drinking Water Act permits under the United States Environmental Protection Agency’s (EPA) Underground Injection Control (UIC) program. On June 22, 2015, CI and the Tribe responded in opposition to Powertech’s and NRC Staff’s Petition for Review. That same day, NRC Staff

responded in favor of Powertech's Petition for Review. On July 2, 2015, Powertech and NRC Staff submitted to Replies to CI and the Tribe's Responses.

On September 21, 2015, the Commission issued an order extending the time for review of the submitted Petitions and subsequent Responses and Replies. Since that time, no decision has been rendered by the Commission. Given the significant impacts on permitting that the Commission's decision on this Petition for Review will have, Powertech respectfully requests that the Commission provide a status update as to when a decision may be rendered on this Petition.

Respectfully Submitted,

**/Executed (electronically) by and in accord  
with 10 C.F.R. § 2.304(d)/  
Christopher S. Pugsley, Esq.**

Dated: March 28, 2016

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COUNSEL TO POWERTECH (USA), INC.

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:

POWERTECH (USA), INC.

(Dewey-Burdock In Situ Uranium Recovery  
Facility)

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) Docket No.: 40-9075-MLA  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing “**POWERTECH (USA), INC. REQUEST FOR STATUS REPORT ON PETITION FOR REVIEW OF LBP-15-16**” in the above captioned proceeding have been served via the Electronic Information Exchange (EIE) this 28<sup>th</sup> day of March 2016, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding.

Respectfully Submitted,

**/Executed (electronically) by and in accord  
with 10 C.F.R. § 2.304(d)/  
Christopher S. Pugsley, Esq.**

Dated: March 28, 2016

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