

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Richard F. Cole
Dr. Mark O. Barnett

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock In Situ Uranium Recovery
Facility)

Docket No. 40-9075-MLA

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

July 9, 2010

MEMORANDUM
(Notice pursuant to 10 C.F.R. § 2.309(i))

On August 10, 2009 Powertech (USA), Inc. (Powertech) filed an application with the NRC requesting a license to construct and operate a proposed in-situ leach uranium recovery (ISR) facility in Custer and Fall River Counties, South Dakota.¹ In response to the public notice of the application², two petitions to intervene and requests for hearing were filed. The first petition was filed on March 8, 2010 by several individuals and organizations sharing common counsel (Consolidated Petitioners).³ The second petition was filed by the Oglala Sioux Tribe on April 6, 2010.⁴ On April 30, 2010 the Consolidated Petitioners filed an additional contention based on SUNSI material.⁵

¹ See ADAMS Accession No. ML092870155.

² Notice of Opportunity for Hearing, License Application Request of Powertech (USA) Inc. Dewey-Burdock In Situ Uranium Recovery Facility in Fall River and Custer Counties, SD, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation, 75 Fed. Reg. 467, 470 (Jan. 5, 2010).

³ Consolidated Request for Hearing and Petition for Leave to Intervene (March 8, 2010).

⁴ Petition to Intervene and Request for Hearing of the Oglala Sioux Tribe (April 6, 2010).

⁵ Petitioners' Request for Leave to File a New Contention Based on SUNSI Material (Apr. 30, 2010).

Powertech and the NRC Staff filed oppositions to the petitions to intervene and requests for hearing.⁶ Powertech and the NRC Staff also filed in opposition to the additional contention based on SUNSI material.⁷

Due to various factors, including a lengthy resubmitted application and voluminous responsive pleadings, motions for extensions of time filed by the parties, and an oral argument on standing and contention admissibility held in Custer, SD on June 8 and 9, 2010, the Board hereby provides notice pursuant to 10 C.F.R. § 2.309(i) that it currently anticipates issuing a decision regarding the petitioners' hearing requests no later than August 20, 2010.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 9, 2010

⁶ Applicant Powertech (USA) Uranium Corporation's Response to Consolidated Petitioners' Request for a Hearing/Petition for Intervention (Apr. 12, 2010). NRC Staff's Response to Hearing Request of Consolidated Petitioners (Apr. 12, 2010). Applicant Powertech (USA) Inc.'s Response to Petitioner Oglala Sioux Tribe's Request for a Hearing/Petition for Intervention (May 3, 2010). NRC Staff's Response to Oglala Sioux Tribe's Hearing Request (May 3, 2010).

⁷ Applicant Powertech (USA) Uranium Corporation's Response to Consolidated Petitioners' Request for Leave to File a New Contention Based on SUNSI Material (May 23, 2010). NRC Staff's Response to Consolidated Petitioners' Contention Filed on April 30, 2010 (May 21, 2010).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

POWERTECH (USA) INC.)
(Dewey-Burdock In Situ Recovery Facility)
Source Materials License Application))

Docket No. 40-9075-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Board **MEMORANDUM (Notice pursuant to 10 C.F.R. § 2.309(i))**, dated July 9, 2010, have been served upon the following persons by Electronic Information Exchange.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA

MEMORANDUM (Notice pursuant to 10 C.F.R. § 2.309(i))

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[Original signed by Linda D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of July 2010.