

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

December 1, 2010

INTERVENOR UPDATE TO DISCLOSURES UNDER 10 CFR §2.336

Pursuant to 10 CFR § 2.336(a) and (b), and the Board's Orders in this matter dated October 4, 2010 and November 2, 2010, counsel for Intervenor Oglala Sioux Tribe hereby submits the following updated disclosure:

1. Documents and Data Collections

On November 30, 2010, counsel for Intervenor Oglala Sioux Tribe received a final response in electronic form from the U.S. Environmental Protection Agency ("EPA") from a Freedom of Information Act (FOIA) request submitted to EPA regarding the Applicant's proposed Dewey-Burdock ISL uranium mine at issue in this case. While the Tribe was not the requester or submitter of the FOIA request, counsel for the Tribe is nevertheless in possession of the materials. Due to the fact that the released EPA files may contain information relevant in this proceeding, out of an abundance of caution these files are being disclosed to the parties in this proceeding at this time.

The electronic materials consist of two CD's containing various EPA files related to the proposed Dewey-Burdock ISL uranium mine, and in particular the EPA's consideration of Underground Injection Control permit applications for the proposed mine. As stated in the Board's November 2, 2010 Order, at 2: "The parties shall disclose all ESI in the same form as it exists in the party's possession, custody, or control. Thus, ESI shall be produced in searchable electronic form to the same extent that the original ESI in that party's possession, custody, or control was searchable." In conformance with this requirement, counsel for the Tribe has placed on this date identical copies of the EPA CD's in the mail for delivery to counsel for the Applicant, counsel for NRC Staff, and counsel for Consolidated Intervenors.

2. Certification under 2.336(c). Pursuant to Section 2.336(c), the foregoing disclosures constitute all relevant materials required by such section to have been disclosed, and the disclosures are accurate and complete as of this date.

Dated this 1st day of December, 2010.

Respectfully submitted,

/s/ signed electronically by
/s/ Jeffrey C. Parsons

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Attorney for Oglala Sioux Tribe

Dated at Lyons, Colorado
this 1st day of December, 2010

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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POWERTECH (USA) INC.,) Docket No. 40-9075-MLA
)
(Dewey-Burdock In Situ Uranium Recovery)
Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Intervenor Update to Disclosures Under 10 CFR §2.336 in the captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 1st day of December 2010, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.

/s/ signed electronically by _____

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