

December 13, 2010

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:

On December 1, 2010, the NRC Staff filed its monthly hearing file/mandatory disclosure index and privilege logs. The Staff has since determined that its December 1, 2010 hearing file index inadvertently omitted six documents that had been entered into the public version of the NRC's Agencywide Documents Access Management System (ADAMS) during the month of November. The Staff is filing an updated hearing file index to correct those omissions. The Staff is also filing updated privilege logs to correct the omission of two documents from the logs filed on December 1, 2010. The Staff regrets these omissions and any resulting inconvenience to the Board or the parties.

The Staff will update its mandatory disclosures, hearing file, and privilege logs no later than January 3, 2011.

Sincerely,

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

Patricia A. Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Update to Hearing File Index for December 2010
Attachment 2: Attorney-Client Privilege Log
Attachment 3: Proprietary Information Log
Affidavit of Ronald Burrows

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
December 13, 2010 Supplement to December 1, 2010 Index

	Accession Number	Document Date	Title
00-393	ML103200287	11/02/2010	K. Hsueh Ltr Re: Invitation for Formal Consultation Under the National Preservation Act; Proposed Dewey Burdock in Situ Recovery Facility near Edgemont South Dakota.
00-394	ML103220208	11/17/2010	E-mail, with Powertech's Clarification of Assumptions Regarding Drilling Emissions for DDWS.
00-395	ML103270443	11/07/2010	K. Hsueh ltr. re: Invitation for Formal Consultation Under the National Historic Preservation Act; Proposed Dewey Burdock In Situ Recovery Facility.
00-396	ML103340146	11/15/2010	K. Hsueh ltr. re: Lower Brule Sioux Tribe Response to Formal Section 106 Consultation.
00-397	ML103340197	11/17/2010	Powertech (USA), Inc.'s Response to the U.S. Nuclear Regulatory Commission (NRC) Staff's Verbal Request for Clarification of Response Regarding Inclusion of Emissions from Drilling Disposal Wells; Dewey-Burdock Uranium Project Environmental Review.
00-398	ML102380613	08/26/2010	2010/08/26 Powertech Dewey-Burdock LA - FW: South Dakota Tribal Chairman and Tribal Historic Preservation Offices

ATTACHMENT 2
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
ATTORNEY-CLIENT PRIVILEGE LOG
December 13, 2010 Supplement to December 1, 2010 Privilege Log

Certain documents otherwise subject to inclusion in the hearing file or mandatory disclosures for this proceeding contain communications between NRC Staff and legal counsel. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following document withheld under the attorney-client privilege.

	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Pages
AC-00-85	ML103330293	Davis, Jennifer (NRC/FSME)	2010/11/15 Powertech Dewey-Burdock LA - Revision to TCP section	9/15/2010	E-Mail with attachment	Yilma, Haimanot; (NRC/FSME); Jehle, Patricia (NRC/OGC)	Raises legal questions concerning Tribal consultation	18

ATTACHMENT 3
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
PROPRIETARY LOG
December 13, 2010 Supplement to December 1, 2010 Privilege Logs

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosure as proprietary information. Pursuant to 10 C.F.R. §§ 2.336(b)(5) and 2.390(a)(4), (9), the Staff is providing this log to identify the following document withheld because it has been identified as containing proprietary information.

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
PR-00-01	ML103140318	Blubaugh R, Powertech (USA), Inc.	Letter from Powertech Inc. RAI Clarification for Air and Groundwater.	11/12/2010	Letter	Burrows R, NRC/FSME	<p>This document is withheld as proprietary at the request of the Applicant, Powertech (USA), Inc., pursuant to 10 C.F.R. § 2.390(a)(4) and (9).</p> <p>The NRC Staff is currently reviewing the request. A Staff decision on the request is expected by January 31, 2011.</p>	50

December 13, 2010

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

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

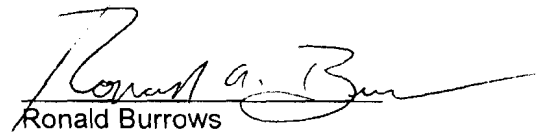
AFFIDAVIT OF RONALD BURROWS CONCERNING MANDATORY
DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(c)

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 13th day of December, 2010

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: December 13, 2010
Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "UPDATE TO NRC STAFF'S DECEMBER HEARING FILE INDEX" in this proceeding have been served via the Electronic Information Exchange (EIE) this 13th day of December, 2010, which to the best of my knowledge resulted in transmittal of the copies to those on the EIE Service List for this proceeding.

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

Patricia A. Jehle
Counsel for the NRC Staff