

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

February 1, 2011

**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**

Counsel for the Oglala Sioux Tribe has become aware of the existence of ongoing scientific research, the methodology, results, and conclusions from which may be relevant to the contentions raised in this proceeding. Counsel has also become aware of email communications between NRC Staff regarding EPA concerns related to the NRC's Generic Environmental Impact Statement (GEIS), upon which NRC may attempt to rely in this matter. Consistent with the Board's November 2, 2010 Order, Counsel for the Oglala Sioux Tribe submits this information to all parties in the electronic form in which

it is currently possessed by counsel. Recently published abstracts and presentations consist of the following:

1. Tarrell, Figueroa, Gillow, "Identifying Mineral Schemes for Aquifer Restoration After Uranium In-Situ Recovery," Geological Society of America *Abstracts with Programs*, Vol. 42, No. 5, p. 57 (2010).
2. Johnson, Yoshino, Hall, Shea, "Predictive Modeling Strategies for Proposed Uranium In-Situ Recovery Mines," Geological Society of America *Abstracts with Programs*, Vol. 42, No. 5, p. 57 (2010).
3. Abitz, Darling, "Anthropogenic Induced Redox Disequilibrium In Uranium Ore Zones," Geological Society of America *Abstracts with Programs*, Vol. 42, No. 5, p. 57 (2010) (with presentation powerpoint slides).
4. Email from Andrea Kock (NRC) to Christianne Ridge (NRC) dated September 10, 2009 regarding EPA review of NRC NEPA compliance.

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 1<sup>st</sup> day of February, 2011.

Respectfully submitted,

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

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Attorney for Oglala Sioux Tribe

Dated at Lyons, Colorado

this 1<sup>st</sup> day of February, 2011

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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 1<sup>st</sup> day of February 2011, 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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