

July 1, 2011

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 October 4, 2010, the Board issued an Order directing the Staff to submit monthly status reports specifying the Staff's best estimate of the issuance dates for draft and final documents associated with its review of Powertech's application. The Staff filed its last status report on June 1, 2011.

When it filed its last status report, the Staff was awaiting Powertech's revised responses to certain safety-related requests for additional information (RAIs). The Staff expected Powertech to submit the revised RAI responses on or about June 29, 2011. Powertech did, in fact, submit its revised RAI responses on June 29, 2011. According to the cover letter accompanying Powertech's submission, the revised RAI responses address four areas in which the NRC Staff had previously identified concerns. The Staff is attaching a copy of the cover letter, which provides more information on the content and format of Powertech's revised RAI responses.

The next step for the Staff will be to review Powertech's submission for sensitive information and enter the revised RAI response package into the NRC's Agencywide Documents Access Management System (ADAMS). This may take several weeks. The Staff will, however, promptly notify the Board and the parties when the Staff's review is complete and the revised RAI response package is available in ADAMS.

The Staff will also begin its acceptance review of Powertech's revised RAI response package. If the Staff determines Powertech's responses are sufficient, the Staff will resume its safety review of Powertech's application.

Regarding its environmental review of Powertech's application, the Staff continues to consult as required under Section 106 of the National Historic Preservation Act (NHPA). On June 8, 2011,

the Staff met with representatives from six Indian Tribes, including the Oglala Sioux Tribe, to discuss sites and properties that may be affected by operations at Dewey-Burdock.¹ Representatives from the U.S. Bureau of Land Management (BLM) and the South Dakota State Historic Preservation Office (SD SHPO) also participated in the meeting. The meeting was held at the Prairie Wind Casino Hotel in Pine Ridge, South Dakota. In continuance of the NHPA process, on June 9, 2011, the Staff, Tribal representatives, and representatives from BLM and the SD SHPO participated in an information-gathering visit at the proposed Dewey-Burdock site.

Below are the Staff's current best estimates for the issuance dates of documents associated with its reviews.

Draft SEIS
April 2012

Final SER
February 2012

Final SEIS
September 2012

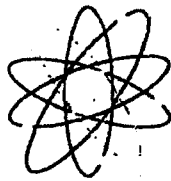
These are the same dates listed in the Staff's last status report. The Staff will provide updated estimates in its next status report, which it will file on August 1, 2011.

Sincerely,
***/Signed (electronically) by/
Patricia Jehle***

Patricia Jehle
Counsel for NRC Staff

Attachment: Cover Letter to Powertech's Revised RAI Response Package

¹ The Staff expects that the transcript of the June 8, 2011 meeting will be available in public ADAMS in approximately one week.



POWERTECH (USA) INC.

RICHARD E. BLUBAUGH
Vice President – Environmental
Health & Safety Resources

June 28, 2011

Mr. Ronald A. Burrows, Project Manager
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**RE: Revised Responses to the Request for Additional Information (RAI) for the
Technical Report (TR); Powertech (USA) Inc.'s Proposed Dewey-Burdock Project;
Docket No. 40-9075**

Dear Mr. Burrows:

Powertech (USA) Inc. (Powertech) hereby submits the revised TR RAI response package to the TR RAIs dated May 19, 2010 and May 28, 2010. The enclosed submittal contains three bound copies of the TR RAI response package bound in four volumes as follows:

- Volume 1: Response Text and Figures
- Volume 2: Exhibits
- Volume 3: Appendices 2.5-D through 2.7-L
- Volume 4: Appendices 2.7-M through 7.3-C

The revised TR RAI response package is presented in a question and answer format, with the full text of each RAI followed by the revised response. It is a complete document that includes many additional figures, exhibits and appendices that have been prepared in response to the April 7-8, 2011 meeting with NRC staff. The intent is to allow NRC staff to evaluate each response without excessive cross referencing to previous license application materials. The responses clearly indicate how the TR will be revised. Powertech will continue to work with you to determine when the revised TR will be needed.

In response to the April 7-8, 2011 meeting, the revised TR RAI response package contains numerous additional commitments such as additional surface soil sampling and additional food sampling. Powertech also commits to the development of a numerical groundwater model to assess both regional flow characteristics and well field-scale parameters such as excursion detection and recovery.

The TR RAI response package directly addresses the four issues of concern expressed by NRC staff in the May 6, 2011 letter to Powertech, including:

5575 DTC Parkway, Suite 140
Greenwood Village, CO 80111 USA

Telephone: 303-790-7528
Facsimile: 303-790-3885

Website: www.powertechuranium.com
Email: info@powertechuranium.com

- (1) Potential for surface water to be spring fed with production zone groundwater through unplugged exploratory drill holes: The revised responses describe how Powertech will use the best available information and best professional practices to locate boreholes or wells in the vicinity of potential well field areas, including historical records, field investigations, use of color infrared imagery, and potentiometric surface evaluation and pump testing conducted for each well field (TR RAI P&R-9).
- (2) Potential hydraulic influence of operations on newly identified underground mine workings located within or in close proximity to newly revised well field areas: The response to TR RAI P&R-2 provides extensive information about the historical underground mine workings in and around the project area, including interviews with former geologists and miners who worked in these mines. The response describes how all underground workings are associated with existing open-pit remnants that are clearly visible. More importantly, all underground workings were confined to the Fall River Formation, which is not proposed for ISR recovery in the vicinity of the underground workings and which is separated from the underlying Chilson Member of the Lakota Formation by the Fuson Shale. The Fuson Shale was not compromised as result of the very limited underground mining.
- (3) Potential inadequate hydraulic containment of production fluids from proposed operations: Powertech has prepared revised geologic cross sections and isopachs that clearly demonstrate the major confining units in relation to the proposed production zones, including the Graneros Group, Fuson Shale, and the Morrison Formation. The responses to TR RAI P&R-1 and others demonstrate that the major and minor confining units will provide excellent containment of ISR fluids.
- (4) Potential inadequate hydraulic containment of production fluids from the hydraulic effects of breccia pipes. The response to TR RAI P&R-12(a) demonstrates that there are no breccia pipes within the project area. The potential presence of breccia pipes in the project area is a theory for which no supporting evidence has been found.

Included with each bound copy is a DVD containing complete files in Adobe PDF format that meet the NRC requirements for electronic submittals including optical character recognition (OCR), 300 dpi resolution, and embedded fonts. Two of the appendices containing laboratory analytical results (Appendices 2.7-F and 2.7-H) are provided on the DVDs only to minimize printing as discussed previously with you. Preparation of the electronic files has been conducted in coordination with Mr. Kenny Nguyen, IT Specialist/Project Officer with the NRC, Document Control Desk. In particular, Powertech solicited advice from Mr. Nguyen on several figures in Appendix 3.1-A, presenting him with two options: one option that passed all Preflight requirements but had diminished quality due to scanning, and a second option that did not pass all Preflight requirements but had better quality. In this instance Mr. Nguyen advised Powertech's consultant that the better quality option would be acceptable.

Powertech appreciates the time given by NRC staff in the April meeting and in subsequent PM-to-PM conversations. These meetings have allowed us to better understand the intent of the RAIs. Should there be any questions or concerns regarding the enclosed, please contact the undersigned at your earliest convenience.

Respectfully yours,



Richard Blubaugh

cc: U.S. NRC
Document Control Desk
ATTN: Kenny Nguyen
11555 Rockville Pike
Rockville, MD 20852

R.F. Clement
M. Hollenbeck

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: July 1, 2011
Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S STATUS REPORT" in this proceeding have been served via the Electronic Information Exchange (EIE) this 1st day of July 2011, which to the best of my knowledge resulted in transmittal of the copies to those on the EIE Service List for the above-captioned proceeding.

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

Patricia Jehle
Counsel for the NRC Staff