

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:	)	
	)	
	)	Docket No.: 40-9075-MLA
POWERTECH (USA), INC.	)	
	)	Date: August 1, 2011
	)	
(Dewey-Burdock In Situ Uranium Recovery	)	
Facility)	)	
_____	)	

**APPLICANT POWERTECH (USA) URANIUM CORPORATION'S MONTHLY  
UPDATE TO INITIAL MANDATORY DISCLOSURES**

Pursuant to 10 C.F.R. § 2.336(a) & (b) and the September 23, 2010, oral determination of the Atomic Safety and Licensing Board (Licensing Board), Powertech (USA) Uranium Corporation (Powertech) hereby submits this August 1, 2011 update to its mandatory disclosures for this proceeding:

**1. Potential Testifying Witnesses**

On September 13, 2010 and pursuant to 10 C.F.R. § 2.336(a)(1), Powertech submitted its initial mandatory disclosures, including a list of organizations (e.g., consultants, etc.) from which testimony may be solicited during the hearing process. Powertech expressly noted in its submission that

“its proposed potential witness list includes the name of one person from each company or organization that potentially may be called upon to offer expert witness testimony in this proceeding. In the future, the identified person may designate a member of his/her company or organization to offer expert testimony based on his/her specific area of expertise.”

*See Applicant Powertech (USA) Uranium Corporation's Initial Mandatory Disclosures (September 13, 2010).*

Powertech has no witnesses to remove from its current witness list; however, the company does wish to add the following witness:

**Company Name: Environmental Restoration Group, Inc. (ERG)**

**Address: 8809 Washington St., N.E., Suite 150, Albuquerque, NM 87113**

**Person or Person(s): Mike Schierman**

**2. Documents and Data Collections**

Powertech's September 13, 2010 initial mandatory disclosure submission included a detailed breakdown of documents that potentially will be relied upon during the hearing process. At the current time, Powertech has not identified any documents, data, and analyses that are currently publicly available on which it plans to rely upon during the course of this proceeding. However, on June 29, 2011, Powertech submitted a revised package of responses to requests for additional information (RAI) from NRC Staff regarding its safety/technical review. Powertech has been informed that this document package will be publicly available on or about August 4, 2011. Powertech plans to rely on this set of documents, data, and analyses during the merits-based portion of this administrative hearing for the following reasons:

a. NRC correspondence date May 6, 2011, indicated that some deficiencies remained in Powertech's response to NRC Staff Requests for Additional Information (RAI) regarding the safety/technical review of its Dewey-Burdock License Application. These identified deficiencies included the following four (4) items: (1) "[p]otential for surface water to be spring fed with production zone groundwater through unplugged exploratory drill holes;" (2) "[p]otential hydraulic influence of operations on newly identified underground mine workings located within or in close proximity to newly revised wellfield areas;" (3) "[p]otential inadequate hydraulic containment of production fluids from proposed operations;" and (4) [p]otential inadequate hydraulic containment of production fluids from the hydraulic effects of potential breccia pipes."

b. Powertech submitted a letter of intent dated April 22, 2011, in which the company committed to filing newly revised and supplemented RAI responses no later than June 29, 2011. Powertech fulfilled this commitment and submitted revised TR RAI responses on June 29, 2011 in which the company submitted information supplementing its license application and, more specifically, information supporting the conclusions that:

(i) Substantial records are available regarding preexisting, historic boreholes but, nevertheless, Powertech will utilize best management practices reflecting longstanding industry standard operating procedures such as post-license issuance pump testing, to ensure to the extent practicable that any unidentified historic boreholes or wells are located, plugged, and abandoned in accordance with applicable engineering requirements;

(ii) All historic underground mine workings, which essentially were adjuncts to surface mines, are visible at the Dewey-Burdock project site and that all such mine workings were confined to the Fall River formation which is not proposed for ISR operations near such mine workings and which is separated from the underlying Chilson Member of the Lakota Formation, in which uranium recovery will occur, by the Fuson Shale which is continuous across the Dewey-Burdock project site and not impacted by such mine workings;

(iii) Confining units are present across the entire Dewey-Burdock site that will provide superior containment of fluids during active operations and groundwater restoration; and

(iv) There is no evidence of breccia pipes in the Dewey-Burdock project area.

Given that the information contained in these revised RAI responses provides primary support for its ultimate conclusion that the proposed Dewey-Burdock project does not pose a significant risk to public health and safety or the environment, Powertech deems it appropriate to

provide all parties with notice that all documentation associated with these revised responses is now publicly available on NRC's ADAMS website.

Respectfully submitted,

**/Signed (electronically) by/ Christopher S. Pugsley**

Dated: August 1, 2011

---

Anthony J. Thompson, Esq.  
Christopher S. Pugsley, Esq.  
Thompson & Pugsley, PLLC  
1225 19<sup>th</sup> Street, NW, Suite 300  
Washington, DC 20036  
COUNSEL TO POWERTECH

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:	)	
	)	
	)	Docket No.: 40-9075-MLA
POWERTECH (USA), INC.	)	
	)	Date: August 1, 2011
	)	
(Dewey-Burdock In Situ Uranium Recovery	)	
Facility)	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing “**APPLICANT POWERTECH (USA) URANIUM CORPORATION’S MONTHLY UPDATE TO INITIAL MANDATORY DISCLOSURES**” in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 1st day of August, 2011 which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding.

Respectfully Submitted,

**/Executed (electronically) by and in  
accord with 10 C.F.R. § 2.304(d)/  
Christopher S. Pugsley, Esq.**

\_\_\_\_\_  
Anthony J. Thompson, Esq.  
Christopher S. Pugsley, Esq.  
Thompson & Pugsley, PLLC  
1225 19<sup>th</sup> Street, NW  
Suite 300  
Washington, DC 20036  
COUNSEL TO POWERTECH

Dated: August 1, 2011