

November 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:

Pursuant to 10 C.F.R. §§ 2.336(b) and (c) and 2.1203, the Nuclear Regulatory Commission (NRC) Staff provides the Licensing Board and the parties with an updated index listing documents required to be disclosed by the Staff. (Attachment 1.) These documents may be viewed by accessing the hearing file for this proceeding that is maintained by the NRC's Office of the Secretary. The Staff is also attaching an index listing one document that, under 10 C.F.R. § 2.390, is exempt from disclosure. (Attachment 2.)

Along with the attached update to its hearing file index, the Staff is providing an affidavit certifying that all relevant materials have been disclosed to the extent required by 10 C.F.R. § 2.336(c).

The Staff will update its mandatory disclosures, hearing file, and privilege logs in accordance with 10 C.F.R. §§ 2.336(d) and 2.1202(c) no later than December 1, 2011.

Sincerely,

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

Patricia Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Sensitive Information Log
Affidavit of Ronald Burrows

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-534	ML112440097	10/20/2011	Thank you Letter to James Laysbad of Oglala Sioux Tribe Enclosing the Transcript of the Information-Gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-535	ML112770012	09/29/2011	Proposed Formatting for Revised Technical Report for Powertech (USA), Inc.
00-536	ML112870601	10/20/2011	Appreciation Letter to Steve Vance of Cheyenne River Sioux Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-burdock North Trend and Crow Butte.
00-537	ML112870614	10/20/2011	Appreciation Letter to Jimmy Arterberry of Comanche Nation Tribe enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-538	ML112900075	10/20/2011	Thank you letter to Dale Old Horn of CrowTribe enclosing the Transcript of the Information-gathering meeting and unredacted survey pertaining to Dewey-Burdock North Trend and Crow Butte.
00-539	ML112900095	10/20/2011	Appreciation letter to Wanda Wells of Crow Creek Sioux Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-540	ML112900109	10/20/2011	Appreciation Letter to Wilfred Ferris of Eastern Shoshone Tribe Enclosing the Transcript of the Information-Gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-541	ML112900120	10/20/2011	Thank you letter to Darrell Youpee of Fort Peck Tribe enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-542	ML112900189	10/20/2011	Thank you letter to Clarie Green of Lower Brule Sioux Tribe enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-542	ML112900197	10/20/2011	Thank you letter to Darlene Conrad of Northern Arapaho Business Committee enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-544	ML112900265	10/20/2011	Thank you letter to Conrad Fisher of Northern Cheyenne Tribe enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-545	ML112900279	10/20/2011	Thank you letter to Gordon Adams of Pawnee Nation of Oklahoma Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-burdock North Trend and Crow Butte.
00-546	ML112901070	10/20/2011	Thank you letter to Gary Robinette of Ponca Tribe of Nebraska Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-burdock North Trend and Crow Butte.
00-547	ML112901149	10/20/2011	Thank you letter to Russell Eagle Bear of Rosebud Sioux Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey pertaining to Dewey-Burdock North Trend and Crow Butte.
00-548	ML112901168	10/20/2011	Thank you letter to Rick Thomas of Santee Sioux Tribe of Nebraska enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-549	ML112901186	10/20/2011	Thank you letter to Waste Win Young of Standing Rock Sioux Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-550	ML112901200	10/20/2011	Thank You Letter to Elgin Crows Breast of Three Affiliated Tribes Enclosing the Transcript of the Information-Gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-551	ML112901218	10/20/2011	Thank You Letter to Lana Gravatt of Yankton Sioux Tribe Enclosing the Transcript of the Information-Gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-552	ML112901334	10/20/2011	Thank You Letter to James B. Weston of Flandrea-Santee Sioux Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-burdock North Trend and Crow Butte.
00-553	ML112901353	10/20/2011	Thank you letter to Anthony Morse of Lower Sioux Tribe enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey pertaining to Dewey-Burdock North Trend and Crow Butte.
00-554	ML112901367	10/20/2011	Appreciation Ltter to Dianne Desrosiers of Sisseton-Wahpeton Lakota Tribe Enclosing the Transcript of the Information-gathering Meeting and Unredacted Survey Pertaining to Dewey-Burdock North Trend and Crow Butte.
00-555	ML112901376	10/20/2011	Thank you letter to Ardis Shaw of Spirit Lake Tribe enclosing the Transcript of the Information-gathering meeting and unredacted survey pertaining to Dewey-Burdock North Trend and Crow Butte
00-556	ML112920159	09/15/2011	Letter from PowerTech (USA) Inc. Transmitting the Revised Exhibit RAI CH-1(2): Proposed Facilities & Wellfields Land App & Deep Disposal Showing ARC Sites.
00-557	ML112980555	10/28/2011	J. Laysbad ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-558	ML112980561	10/28/2011	SRIF Lead Researchers.
00-559	ML112990285	10/28/2011	Lyman Guy Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-560	ML113000084	10/28/2011	Lynette Gray ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-561	ML113000088	10/28/2011	Steve Vance Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-562	ML113000093	10/28/2011	Jimmy Arterberry Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-563	ML113000098	10/28/2011	Dale Old Horn Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-564	ML113000128	10/28/2011	Wanda Wells ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-565	ML113000142	10/28/2011	Wilfred Ferris Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-566	ML113000151	10/28/2011	Darrell "Curley" Youpee ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-567	ML113000160	10/28/2011	Jamie Eskew Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-568	ML113000168	10/28/2011	Clarie Green ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-569	ML113010031	10/28/2011	Darlene Conrad ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-570	ML113010034	10/28/2011	Conrad Fisher Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-571	ML113010046	10/28/2011	Gordon Adams Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-572	ML113010054	10/28/2011	Gary Robinette ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-573	ML113010057	10/28/2011	Russell Eagle Bear Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-574	ML113010062	10/28/2011	Rick Thomas ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-575	ML113010079	10/28/2011	Waste Win Young Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-576	ML113010094	10/28/2011	Elgin Crows Breast Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-577	ML113010101	10/28/2011	L. Gravatt ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-578	ML113010110	10/28/2011	James B. Weston Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-579	ML113010118	10/28/2011	Anthony Morse ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.
00-580	ML113010129	10/28/2011	Dianne Desrosiers Ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
Update — November 1, 2011 Index

ID Number	Accession Number	Document Date	Title
00-581	ML113010134	10/28/2011	Ardis Shaw ltr. re: Information Related to Traditional Cultural Properties; Dewey-Burdock, Crow Butte North Trend, and Crow Butte License Renewal ISR Projects.

**ATTACHMENT 2
 POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
 SENSITIVE INFORMATION LOG
 November 1, 2011**

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 sensitive information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents withheld because they contain sensitive information that, under 10 C.F.R. § 2.390(a)(3), is exempt from disclosure.

ID#	Accession Number	Author/ Affiliation	Title / Description	Document Date	Document Type	Comment	Page Count
S-00-40	ML112870618	Powertech (USA), Inc.	Revised Exhibit RAI CH-1(2): Proposed facilities and well Fields Land App and Deep Disposal showing ARC sites.	08/30/2011	Map	Use controlled by Section 304 of the National Historic Preservation Act and South Dakota Codified Laws, specifically, § 1-20-21.2.	1

November 1, 2011

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
)	
(Dewey-Burdock In Situ Uranium Recovery Facility))	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 1st day of November 2011

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: November 1, 2011
Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "UPDATE TO NRC STAFF'S HEARING FILE INDEX" in this proceeding have been served via the Electronic Information Exchange (EIE) this 1st day of November 2011, 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