

November 1, 2012

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 non-privileged 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 two (2) indices listing documents that, under 10 C.F.R. § 2.390, are exempt from disclosure and for which the Staff is asserting a privilege or immunity. (Attachments 2 and 3.)

Along with the attached update to its hearing file index, the Staff is providing affidavits (1) certifying that all relevant materials required by 10 C.F.R. § 2.336(c) have been disclosed, and (2) formally invoking the deliberative process privilege for one document.

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 3, 2012.

Sincerely,

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

Patricia Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Deliberative Process Privilege Log
Attachment 3: Proprietary Information Log
Affidavit of Ronald Burrows
Declaration of Andrew Persinko

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-1042	ML12264A618	10/11/2012	Letter to Crow Creek Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1043	ML12269A461	10/26/2012	Letter to Crow Creek Tribe Transmitting August 9 and 21 2012 Meeting Transcripts.
00-1044	ML12276A155	04/23/2009	Bureau of Land Management Email re: 2009 Montana/Dakotas Special Status Species List.
00-1045	ML12276A157	11/01/2008	Canada Thistle.
00-1046	ML12276A159	05/31/2011	U.S. Fish and Wildlife Service Species Assessment and Licensing Priority Assignment Form.
00-1047	ML12276A165	05/20/2011	Endangered Species: Sprague's Pipit.
00-1048	ML12276A171	10/02/2012	Overview of Greater Sage-Grouse and Endangered Species Act Activities.
00-1049	ML12276A178	08/30/2012	Species Profile for Sprague's Pipit.
00-1050	ML12276A181	08/31/2012	Hawks, Eagles, Falcons of North Dakota - Red Tailed Hawk
00-1051	ML12276A232	08/31/2012	Hawks, Eagles and Falcons of North Dakota - American Kestrel.
00-1052	ML12276A242	08/31/2012	Hawks, Eagles and Falcons of North Dakota - Northern Harrier.
00-1053	ML12276A248	08/23/2012	U.S. Fish and Wildlife News Release re: Draft Report to Help Sage-Grouse Conservation Objectives.
00-1054	ML12276A255	08/31/2012	South Dakota Fish Consumption Advisories.
00-1055	ML12276A259	08/31/2012	State Noxious Weeds - South Dakota.
00-1056	ML12276A266	08/30/2012	Breeding Birds of South Dakota - Sprague's Pipit.
00-1057	ML12276A277	07/24/2007	Sage-Grouse Habitat Management Guidelines for Wyoming.
00-1058	ML12276A280	01/31/2000	Identification and Control of Field Bindweed.
00-1059	ML12276A293	08/31/2012	Introductory - Cynoglossum Officinale.
00-1060	ML12278A185	10/04/2012	Letter re: Transmittal of Tribes' Proposal and Cost Estimate for Dewey Burdock Project.
00-1061	ML12283A095	10/11/2012	Letter to Oglala Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1062	ML12283A112	10/11/2012	Letter to Cheyenne River Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1063	ML12283A119	10/11/2012	Letter to the Ponca Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1064	ML12283A156	10/11/2012	Letter to Crow Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1065	ML12283A158	10/11/2012	Letter to Rosebud Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1066	ML12283A172	10/11/2012	Letter to Eastern Shoshone Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1067	ML12283A180	10/11/2012	Letter to Flandreau-Santee Sioux re: Transmittal of Correspondence Pertaining to Request for

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
			Detailed Information for Dewey Burdock ISR Project.
00-1068	ML12283A253	10/11/2012	Letter to Santee Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1069	ML12283A273	10/11/2012	Letter to Sisseton-Wahpeton Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1070	ML12283A287	10/11/2012	Letter to Spirit Lake Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1071	ML12283A292	10/11/2012	Letter to Fort Peck Tribes re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1072	ML12283A301	10/11/2012	Letter to Lower Brule Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1073	ML12283A313	10/11/2012	Letter to Standing Rock Sioux re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1074	ML12283A314	10/11/2012	Letter to Lower Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1075	ML12283A322	10/11/2012	Letter to Three Affiliated Tribes re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey Burdock Project.
00-1076	ML12283A327	10/11/2012	Letter to Northern Arapaho Business Committee re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1077	ML12283A333	10/11/2012	Letter to Turtle Mountain Chippewa Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1078	ML12283A337	10/11/2012	Letter to Northern Cheyenne re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1079	ML12283A345	10/11/2012	Letter to Yankton Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1080	ML12285A425	10/09/2012	Letter re: Response to NRC Letter of October 4, 2012 Letter and SOW.
00-1081	ML12286A310	10/12/2012	Letter to THPOs Transmitting Proposal with Cost Estimate for TCP Survey for Proposed Dewey-Burdock ISR Project.
00-1082	ML12292A075	10/26/2012	Letter to Kiowa Indian Tribe of Oklahoma Transmitting August 9 and 21 2012 Meeting Transcripts.
00-1083	ML12292A079	10/26/2012	Letter to Flandreau-Santee Sioux Tribe Transmitting Transcripts from August 9 and 21, 2012.
00-1084	ML12292A093	10/26/2012	Letter to Lower Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1085	ML12292A103	10/26/2012	Letter to Sisseton-Wahpeton Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1086	ML12292A114	10/26/2012	Letter to Northern Arapaho Business Committee Transmitting August 9 and 21, 2012 Transcripts.
00-1087	ML12292A123	10/26/2012	Letter to Northern Cheyenne Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1088	ML12292A172	10/26/2012	Letter to Cheyenne and Arapaho Tribes Transmitting August 9 and 21, 2012 Transcripts.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-1089	ML12292A177	10/26/2012	Letter to Oglala Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1090	ML12292A180	10/26/2012	Letter to Cheyenne River Sioux Transmitting August 9 and 21, 2012 Transcripts.
00-1091	ML12292A204	10/26/2012	Letter to Comanche Nation Transmitting August 9 and 21, 2012 Transcripts.
00-1092	ML12292A213	10/26/2012	Letter to Pawnee Nation of Oklahoma Transmitting August 9 and 21, 2012 Transcripts.
00-1093	ML12292A329	10/26/2012	Letter to Ponca Tribe of Nebraska Transmitting August 9 and 21, 2012 Transcripts.
00-1094	ML12292A334	10/26/2012	Letter to Eastern Shoshone Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1095	ML12292A369	10/26/2012	Letter to Rosebud Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1096	ML12292A377	10/26/2012	Letter to Santee Sioux Tribe of Nebraska Transmitting August 9 and 21, 2012 Transcripts.
00-1097	ML12292A432	10/26/2012	Letter to Standing Rock Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1098	ML12292A546	10/26/2012	Letter to Three Affiliated Tribes transmitting August 9 and 21, 2012 Transcripts.
00-1099	ML12292A605	10/26/2012	Letter to Yankton Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1100	ML12298A142	10/15/2012	K. Hsueh ltr. re: Standing Rock Sioux Tribe Response to Dewey-Burdock In-Situ Recovery Project.
00-1101	ML12298A148	10/18/2012	K. Hsueh ltr. re: Sisseton Wahpeton Tribe Response to Dewey-Burdock In Situ Recovery Project.
00-1102	ML12298A155	10/19/2012	K. Hsueh ltr. re: Rosebud Sioux Tribe Response for Dewey-Burdock In Situ Recovery Project.
00-1103	ML12300A002	10/18/2012	Response to September 19 Technical Comment Dewey-Burdock Project Groundwater Discharge Plan Application.
00-1104	ML12305A555	10/31/2012	2012/10/31 Powertech Dewey-Burdock LA - TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT
00-1042	ML12264A618	10/11/2012	Letter to Crow Creek Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1043	ML12269A461	10/26/2012	Letter to Crow Creek Tribe Transmitting August 9 and 21 2012 Meeting Transcripts.
00-1044	ML12276A155	04/23/2009	Bureau of Land Management Email re: 2009 Montana/Dakotas Special Status Species List.
00-1045	ML12276A157	11/01/2008	Canada Thistle.
00-1046	ML12276A159	05/31/2011	U.S. Fish and Wildlife Service Species Assessment and Licensing Priority Assignment Form.
00-1047	ML12276A165	05/20/2011	Endangered Species: Sprague's Pipit.
00-1048	ML12276A171	10/02/2012	Overview of Greater Sage-Grouse and Endangered Species Act Activities.
00-1049	ML12276A178	08/30/2012	Species Profile for Sprague's Pipit.
00-1050	ML12276A181	08/31/2012	Hawks, Eagles, Falcons of North Dakota - Red Tailed Hawk
00-1051	ML12276A232	08/31/2012	Hawks, Eagles and Falcons of North Dakota - American Kestrel.
00-1052	ML12276A242	08/31/2012	Hawks, Eagles and Falcons of North Dakota - Northern Harrier.
00-1053	ML12276A248	08/23/2012	U.S. Fish and Wildlife News Release re: Draft Report to Help Sage-Grouse Conservation Objectives.
00-1054	ML12276A255	08/31/2012	South Dakota Fish Consumption Advisories.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-1055	ML12276A259	08/31/2012	State Noxious Weeds - South Dakota.
00-1056	ML12276A266	08/30/2012	Breeding Birds of South Dakota - Sprague's Pipit.
00-1057	ML12276A277	07/24/2007	Sage-Grouse Habitat Management Guidelines for Wyoming.
00-1058	ML12276A280	01/31/2000	Identification and Control of Field Bindweed.
00-1059	ML12276A293	08/31/2012	Introductory - Cynoglossum Officinale.
00-1060	ML12278A185	10/04/2012	Letter re: Transmittal of Tribes' Proposal and Cost Estimate for Dewey Burdock Project.
00-1061	ML12283A095	10/11/2012	Letter to Oglala Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1062	ML12283A112	10/11/2012	Letter to Cheyenne River Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1063	ML12283A119	10/11/2012	Letter to the Ponca Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1064	ML12283A156	10/11/2012	Letter to Crow Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1065	ML12283A158	10/11/2012	Letter to Rosebud Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1066	ML12283A172	10/11/2012	Letter to Eastern Shoshone Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1067	ML12283A180	10/11/2012	Letter to Flandreau-Santee Sioux re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1068	ML12283A253	10/11/2012	Letter to Santee Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1069	ML12283A273	10/11/2012	Letter to Sisseton-Wahpeton Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1070	ML12283A287	10/11/2012	Letter to Spirit Lake Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1071	ML12283A292	10/11/2012	Letter to Fort Peck Tribes re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1072	ML12283A301	10/11/2012	Letter to Lower Brule Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1073	ML12283A313	10/11/2012	Letter to Standing Rock Sioux re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1074	ML12283A314	10/11/2012	Letter to Lower Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1075	ML12283A322	10/11/2012	Letter to Three Affiliated Tribes re: Transmittal of Correspondence Pertaining to Request for

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
			Detailed Information for Proposed Dewey Burdock Project.
00-1076	ML12283A327	10/11/2012	Letter to Northern Arapaho Business Committee re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1077	ML12283A333	10/11/2012	Letter to Turtle Mountain Chippewa Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Proposed Dewey-Burdock Project.
00-1078	ML12283A337	10/11/2012	Letter to Northern Cheyenne re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey Burdock ISR Project.
00-1079	ML12283A345	10/11/2012	Letter to Yankton Sioux Tribe re: Transmittal of Correspondence Pertaining to Request for Detailed Information for Dewey-Burdock Project.
00-1080	ML12285A425	10/09/2012	Letter re: Response to NRC Letter of October 4, 2012 Letter and SOW.
00-1081	ML12286A310	10/12/2012	Letter to THPOs Transmitting Proposal with Cost Estimate for TCP Survey for Proposed Dewey-Burdock ISR Project.
00-1082	ML12292A075	10/26/2012	Letter to Kiowa Indian Tribe of Oklahoma Transmitting August 9 and 21 2012 Meeting Transcripts.
00-1083	ML12292A079	10/26/2012	Letter to Flandreau-Santee Sioux Tribe Transmitting Transcripts from August 9 and 21, 2012.
00-1084	ML12292A093	10/26/2012	Letter to Lower Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1085	ML12292A103	10/26/2012	Letter to Sisseton-Wahpeton Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1086	ML12292A114	10/26/2012	Letter to Northern Arapaho Business Committee Transmitting August 9 and 21, 2012 Transcripts.
00-1087	ML12292A123	10/26/2012	Letter to Northern Cheyenne Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1088	ML12292A172	10/26/2012	Letter to Cheyenne and Arapaho Tribes Transmitting August 9 and 21, 2012 Transcripts.
00-1089	ML12292A177	10/26/2012	Letter to Oglala Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1090	ML12292A180	10/26/2012	Letter to Cheyenne River Sioux Transmitting August 9 and 21, 2012 Transcripts.
00-1091	ML12292A204	10/26/2012	Letter to Comanche Nation Transmitting August 9 and 21, 2012 Transcripts.
00-1092	ML12292A213	10/26/2012	Letter to Pawnee Nation of Oklahoma Transmitting August 9 and 21, 2012 Transcripts.
00-1093	ML12292A329	10/26/2012	Letter to Ponca Tribe of Nebraska Transmitting August 9 and 21, 2012 Transcripts.
00-1094	ML12292A334	10/26/2012	Letter to Eastern Shoshone Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1095	ML12292A369	10/26/2012	Letter to Rosebud Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1096	ML12292A377	10/26/2012	Letter to Santee Sioux Tribe of Nebraska Transmitting August 9 and 21, 2012 Transcripts.
00-1097	ML12292A432	10/26/2012	Letter to Standing Rock Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1098	ML12292A546	10/26/2012	Letter to Three Affiliated Tribes transmitting August 9 and 21, 2012 Transcripts.
00-1099	ML12292A605	10/26/2012	Letter to Yankton Sioux Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1100	ML12298A142	10/15/2012	K. Hsueh ltr. re: Standing Rock Sioux Tribe Response to Dewey-Burdock In-Situ Recovery Project.
00-1101	ML12298A148	10/18/2012	K. Hsueh ltr. re: Sisseton Wahpeton Tribe Response to Dewey-Burdock In Situ Recovery Project.
00-1102	ML12298A155	10/19/2012	K. Hsueh ltr. re: Rosebud Sioux Tribe Response for Dewey-Burdock In Situ Recovery Project.

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
November 1, 2012 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-1103	ML12300A002	10/18/2012	Response to September 19 Technical Comment Dewey-Burdock Project Groundwater Discharge Plan Application.
00-1104	ML12305A555	10/31/2012	2012/10/31 Powertech Dewey-Burdock LA - TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT

**ATTACHMENT 2
 POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
 DELIBERATIVE PROCESS PRIVILEGE LOG
 November 1, 2012**

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 predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents withheld under the deliberative process privilege. Additionally, these documents have been determined by the NRC Staff to contain information subject to withholding from public disclosure as sensitive information. As such, they are being withheld because they contain sensitive information that, under 10 C.F.R. § 2.390(a)(5), is exempt from disclosure.

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
DP-00-271	ML12248A434	Michals, S., SD, Dept of Game, Fish & Parks	S. Michals Letter re: PowerTech, Inc. Exploration Notice of Intent Fall River and Custer Counties.	10/17/2008	Letter	Roberta Fivecoate, SD/DENR Minerals and Mining Program.	Interagency correspondence concerning protection of nests. Also, contains non-public information regarding nest locations that was sent to the Staff by a South Dakota state agency.	1

**ATTACHMENT 3
 POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
 PROPRIETARY INFORMATION LOG
 Update – November 2012**

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 document withheld because it contains commercial or financial information that, under 10 C.F.R. § 2.390(a)(4), is exempt from disclosure.

ID#	Accession Number	Author/ Affiliation	Title / Description	Document Date	Document Type	Comment	Page Count
PR-00-03	ML12278A189	Makoche Wowapi; Mentz-Wilson Consultants, LLP	Proposal with Cost Estimate for Traditional Cultural Properties Survey for Proposed Dewey Burdock Project	09/27/2012	Budget Planning and Estimates	This document is withheld as proprietary at the request of Makoche Wowapi and Mentz-Wilson Consultants, LLP, pursuant to 10 C.F.R. § 2.390(a)(4).	4
PR-00-04	ML12286A312	Makoche Wowapi; Mentz-Wilson Consultants, LLP	Proposal with Cost Estimate for Traditional Cultural Properties Survey for Proposed Dewey Burdock Project	09/27/2012	Budget Planning and Estimates	This document is withheld as proprietary at the request of Makoche Wowapi and Mentz-Wilson Consultants, LLP, pursuant to 10 C.F.R. § 2.390(a)(4).	2

November 1, 2012

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 2012

November 1, 2012

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

DECLARATION OF ANDREW PERSINKO

I, Andrew Persinko, do hereby state as follows:

1. I am employed as Deputy Director 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. My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of Powertech (USA) Inc.'s application for a license to be used in connection with the proposed Dewey-Burdock uranium recovery facility.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for this proceeding, NRC staff members under my supervision identified one document as privileged because it contains information concerning the Staff's deliberative process. The document is listed in Attachment 2 to the Staff's October Update to the Hearing File, which I understand will be filed on November 1, 2012.

3. I have personally reviewed the document identified as privileged in Attachment 2 and have determined, in accordance with the guidance set forth in Management Directive 3.4, that the document contains predecisional information concerning the Staff's review of Powertech's license application. The document contains or reflects the Staff's analyses, recommendations, opinions, or evaluations, and it may not necessarily reflect the final agency

position with respect to the matters referred to therein. The document comprises part of the deliberative process necessary to the Staff's review of Powertech's license application.

4. Further, I have determined that disclosure of the document could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members or the Staff prior to reaching a final agency decision, potentially creating confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, when no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to the document listed in Attachment 2 the Staff's Hearing File Update of November 1, 2011.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


Andrew Persinko

Executed in Rockville, Maryland
this 1st day of November 2012

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 Facility))	Date: November 1, 2012

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (revised), 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), the NRC's E-Filing System, in the above-captioned proceeding, this 1st day of November 2012.

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

Patricia Jehle
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-8366
Patricia.Jehle@nrc.gov
Date of Signature: October 1, 2012