

December 3, 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 an index identifying documents that, under 10 C.F.R. § 2.390, are exempt from disclosure and for which the Staff is asserting a privilege or immunity. (Attachment 2.)

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

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 January 2, 2012.

Sincerely,

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

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Patricia Jehle  
Counsel for NRC Staff

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

cc: Electronic Information Exchange Service List

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

<b>ID Number</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
00-1105	ML12292A101	10/26/2012	Letter to Lower Brule Sioux Tribe Transmitting August 9 and 21 2012 Meeting Transcripts.
00-1106	ML12292A118	10/26/2012	Letter to Turtle Mountain Chippewa Transmitting August 9 and 21, 2012 Transcripts.
00-1107	ML12292A297	10/26/2012	Letter to Crow Tribe Transmitting August 9 and 21, 2012 Transcript.
00-1108	ML12292A378	10/26/2012	Letter to Fort Peck Tribes Transmitting August 9 and 21, 2012 Transcripts.
00-1109	ML12293A313	10/26/2012	Letter to Apache Tribe of Oklahoma Transmitting August 9 and 21, 2012 Transcripts.
00-1110	ML12293A343	10/26/2012	Letter to Spirit Lake Tribe Transmitting August 9 and 21, 2012 Transcripts.
00-1111	ML12299A464	11/07/2012	FRN: C. Bladey Memo re: Notice of Availability of Draft Supplemental Environmental Impact Statement for Dewey-Burdock Project.
00-1112	ML12299A482	11/08/2012	FRN: Availability of Draft Supplemental Environmental Impact Statement for Dewey-Burdock Project.
00-1113	ML12305A056	10/19/2012	Powertech's Supplemental Sampling Plan and Responses to Comments Regarding Draft License.
00-1114	ML12305A450	11/16/2012	Letter to Crow Creek Sioux Tribe re: Draft Safety Environmental Impact Statement for Dewey-Burdock.
00-1115	ML12305A528	11/15/2012	R. Nelson Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1116	ML12305A542	11/16/2012	M. Atkins ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1117	ML12305A551	11/15/2012	D. Green ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1118	ML12306A094	11/15/2012	C. White Face Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1119	ML12306A123	11/15/2012	T. Brandner ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1120	ML12306A160	11/15/2012	M. Cerney ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1121	ML12306A180	11/16/2012	Letter to South Dakota Game, Fish and Parks regarding Notification of Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1122	ML12306A183	11/16/2012	B. Curran Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1123	ML12306A195	10/31/2012	Letter to Tribal Historic Preservation Officers re: Transmittal of Survey Proposal for Proposed Dewey-Burdock Project.
00-1124	ML12306A210	11/15/2012	Letter to Edgemont Public Library Transmitting the Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1125	ML12306A218	11/21/2012	Letter to Cheyenne River Sioux Tribe Transmitting Letter of Survey Proposal for Dewey-Burdock.

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<b>ID Number</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
00-1126	ML12306A260	11/16/2012	Suzanne Bohan Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1127	ML12306A278	11/16/2012	E. Jantz Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1128	ML12306A288	11/15/2012	Letter to South Dakota State Historical Society re: Notification of Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1129	ML12306A306	11/16/2012	Letter to U.S. Geological Survey re: Notification of Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1130	ML12306A329	11/16/2012	Letter to U.S. Army Corps of Engineers re: Notification of the Issuance of the Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1131	ML12306A364	11/15/2012	R. Blubaugh Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1132	ML12306A395	11/16/2012	Letter to U.S. Forest Service re: Notification of Issuance of the Draft Supplemental Environmental Impact Statement for Dewey-Burdock ISR Project.
00-1133	ML12307A124	11/02/2012	Turtle Mountain Band of Chippewa Indians and Three Affiliated Tribes TCP Study for Dewey-Burdock.
00-1134	ML12314A026	10/22/2012	Letter from Powertech to South Dakota DENR Re: July and August 2012 Analytical Results and Alluvial Compliance Well Completion Report.
00-1135	ML12314A327	11/16/2012	Letter to South Dakota Office of Tribal Government Relations re: Draft SEIS for Proposed Dewey-Burdock Project.
00-1136	ML12320A500	11/16/2012	Letter to Cheyenne River Sioux Tribe re: Notification of Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1137	ML12320A515	11/16/2012	Letter to Crow Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1138	ML12320A524	11/16/2012	Letter to Eastern Shoshone Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1139	ML12320A529	11/16/2012	Letter to Flandreau-Santee Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1140	ML12320A538	11/16/2012	Letter to Fort Peck Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1141	ML12320A548	11/16/2012	Letter to Lower Brule Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1142	ML12320A560	11/16/2012	Letter to Lower Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1143	ML12320A579	11/16/2012	Letter to Northern Arapaho Tribe re: Issuance of Draft Supplemental Environmental Impact

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<b>ID Number</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
			Statement for Dewey-Burdock.
00-1144	ML12320A602	11/16/2012	Letter to Northern Cheyenne Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1145	ML12320A617	11/16/2012	Letter to Oglala Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1146	ML12320A630	11/16/2012	Letter to Ponca Tribe re: Issuance of Draft Supplement Environmental Impact Statement for Dewey-Burdock.
00-1147	ML12320A642	11/16/2012	Letter to Rosebud Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1148	ML12320A654	11/16/2012	Letter to Santee Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1149	ML12320A667	11/16/2012	Letter to Sisseton-Wahpeton Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1150	ML12320A675	11/16/2012	Letter to Spirit Lake Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1151	ML12320A681	11/16/2012	Letter to Standing Rock Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1152	ML12320A690	11/16/2012	Letter to Three Affiliated Tribes re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1153	ML12320A696	11/16/2012	Letter to Turtle Mountain Band of Chippewa re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1154	ML12320A705	11/16/2012	Letter to Yankton Sioux Tribe re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1155	ML12321A237	11/16/2012	Press Release-12-123: NRC Issues Draft Environmental Impact Statement on Dewey-Burdock Uranium Recovery Project; Seeks Public Comment.
00-1156	ML12324A047	11/19/2012	Letter to J. Parsons re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1157	ML12324A064	11/19/2012	T. Sills Letter re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1158	ML12324A078	11/19/2012	T. Ballanco Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1159	ML12324A090	11/19/2012	D. Frankel Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1160	ML12324A095	11/19/2012	B. Ellison Letter re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.

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00-1161	ML12324A107	11/19/2012	C. Gillis Letter re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1162	ML12324A115	11/19/2012	Letter to Rapid City Public Library re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1163	ML12324A122	11/19/2012	L. Jarding Ltr. re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1164	ML12324A128	11/19/2012	Letter to Custer County Public Library re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1165	ML12324A140	11/19/2012	Letter to Weston County Library re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock.
00-1166	ML12324A147	11/19/2012	Letter to Hot Springs Public Library re: Issuance of Draft Supplemental Environmental Impact Statement.
00-1167	ML12324A153	11/19/2012	Letter to Oglala Lakota College Library re: Issuance of Draft Supplemental Environmental Impact Statement for Dewey-Burdock In-Situ Recovery Project.
00-1168	ML12324A225	11/21/2012	Letter to Standing Rock Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Crow Butte.
00-1169	ML12324A336	10/20/2012	H. Yilma Email Re: Response to NRC Ltr Dated October 12, 2012.
00-1170	ML12324A349	11/06/2012	H. Yilma Email Re: Response Ltr.
00-1171	ML12324A360	11/05/2012	H. Yilma E-mail Re: Transmittal of Survey Proposal for the Proposed Dewey-Burdock ISR Project.
00-1172	ML12324A369	11/02/2012	H. Yilma Email Re: Transmittal of Survey Proposal for the Proposed Dewey-Burdock ISR Project.
00-1173	ML12324A388	11/01/2012	B. Nadeau Email Re: Transmittal of Survey Proposal for the Proposed Dewey-Burdock ISR Project.
00-1174	ML12324A425	11/21/2012	Letter to Crow Tribe Transmitting Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1175	ML12324A430	11/21/2012	Letter to Crow Creek Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1176	ML12324A445	11/21/2012	Letter to Eastern Shoshone Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1177	ML12324A462	11/21/2012	Letter to Flandreau-Santee Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1178	ML12324A468	11/21/2012	Letter to Fort Peck Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1179	ML12325A300	11/21/2012	Letter to Lower Brule Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1180	ML12325A313	11/21/2012	Letter to Lower Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on

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<b>ID Number</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
			Dewey-Burdock.
00-1181	ML12325A322	11/21/2012	Letter to Northern Arapaho Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1182	ML12325A331	11/21/2012	Letter to Northern Cheyenne Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1183	ML12325A341	11/21/2012	Letter to Oglala Sioux Tribe re: Transmitting Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1184	ML12325A407	11/21/2012	Letter to Ponca Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1185	ML12325A788	11/21/2012	Letter to Rosebud Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1186	ML12325A799	11/21/2012	Letter to Santee Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1187	ML12325A817	11/21/2012	Letter to Sisseton-Wahpeton Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1188	ML12325A839	11/21/2012	Letter to Spirit Lake Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1189	ML12325A864	11/21/2012	Letter to Standing Rock Sioux Tribe re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1190	ML12325A881	11/21/2012	Letter to Three Affiliated Tribes re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1191	ML12325A918	11/21/2012	Letter to Turtle Mountain Band of Chippewa re: Transmittal of Letter to Tribal Historic Preservation Officers on Dewey-Burdock.
00-1192	ML12325A926	11/21/2012	Letter to Yankton Sioux re: Transmittal of Letter sent to the Tribal Historic Preservation Officers Regarding the Proposed Dewey- Burdock Project.
00-1193	ML12333A017	11/02/2012	2012/11/02 Powertech Dewey-Burdock LA - RE: TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT
00-1194	ML12333A055	11/02/2012	2012/11/02 Powertech Dewey-Burdock LA - RE: FW: TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT
00-1195	ML12333A056	11/02/2012	2012/11/02 Powertech Dewey-Burdock LA - RE: TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT
00-1196	ML12333A057	11/02/2012	2012/11/02 Powertech Dewey-Burdock LA - RE: FW: TRANSMITTAL OF SURVEY PROPOSAL FOR THE PROPOSED DEWEY-BURDOCK ISR PROJECT

**ATTACHMENT 3**  
**POWERTECH HEARING FILE AND MANDATORY DISCLOSURES**  
**PROPRIETARY INFORMATION LOG**  
**Update – December 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.

<b>ID#</b>	<b>Accession Number</b>	<b>Author/ Affiliation</b>	<b>Title / Description</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Comment</b>	<b>Page Count</b>
PR-00-05	ML12278A189	Makoche Wowapi and 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-00-06	ML12286A312	Makoche Wowapi	Proposal with Cost Estimates for TCP Survey for Proposed Dewey.	09/27/2012	Proposal for cultural resources survey.	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
PR-00-07	ML12326A597	Harty J. L., Kadrmas, Lee & Jackson, Inc.	Letter from Kadrmas, Lee & Jackson re: Dewey-Burdock In-Situ Recovery Project. <sup>1</sup>	09/19/2012	Letter with proposal for cultural resources survey.	This document is withheld as proprietary at the request of Kadrmas, Lee & Jackson, Inc. pursuant to 10 C.F.R. § 2.390(a)(4).	9

<sup>1</sup> The public version of this document, "Turtle Mountain Band of Chippewa Indians and Three Affiliated Tribes TCP Study for Dewey-Burdock," is available in ADAMS at Accession Number ML12307A124. It is disclosed in the December 2012 Hearing File Index.



December 3, 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)


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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 3<sup>rd</sup> day of December 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: December 3, 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 3<sup>rd</sup> day of December 2012.

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

\_\_\_\_\_  
Patricia Jehle  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
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Washington, DC 20555-0001  
(301) 415-8366  
[Patricia.Jehle@nrc.gov](mailto:Patricia.Jehle@nrc.gov)  
Date of Signature: December 3, 2012