

May 1, 2013

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:

Consistent with 10 C.F.R. § 2.336, 10 C.F.R. § 2.1203, and the Board's orders in this proceeding, the Nuclear Regulatory Commission (NRC) Staff provides 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.

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

The Staff will update its mandatory disclosures, hearing file, and privilege logs no later than June 3, 2013.

Sincerely,

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

Patricia A. Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Affidavit of Ronald Burrows

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
May 1, 2013 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-2454	ML13037A411	04/24/2013	Letter to Advisory Council on Historic Preservation re: Update on Section 106 Activities for the Proposed Dewey-Burdock In Situ Uranium Recovery Project in Fall River and Custer Counties, South Dakota and a Request for Guidance and Clarification.
00-2455	ML13039A157	02/08/2013	Letter to Ponca Tribe of Nebraska Transmitting a Follow-up Email Pertaining to an Upcoming Field Survey for the Dewey-Burdock Project.
00-2456	ML13039A347	02/08/2013	Letter to Cheyenne River Sioux Tribe re: Transmittal of Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2457	ML13039A355	02/08/2013	Letter to Northern Cheyenne Tribe transmitting a follow-up Email pertaining to an upcoming field survey for the Dewey-Burdock Project.
00-2458	ML13039A360	02/08/2013	Letter to Crow Tribe re: Transmittal of Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2459	ML13039A366	02/08/2013	Letter to Oglala Sioux Tribe Transmitting a Follow-up Email Pertaining to an Upcoming Field Survey for the Dewey-Burdock Project.
00-2460	ML13039A367	02/08/2013	Letter to Crow Creek Sioux Tribe re: Transmittal of Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2461	ML13039A373	02/08/2013	Letter to Eastern Shoshone Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2462	ML13039A378	02/08/2013	Letter to Rosebud Sioux Tribe Transmitting a Follow-up Email Pertaining to an Upcoming Field Survey for the Dewey-Burdock Project.
00-2463	ML13039A379	02/08/2013	Letter to Flandreau-Santee Sioux Tribe re: Transmittal of Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2464	ML13039A386	02/08/2013	Letter to Fort Peck Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2465	ML13039A390	02/08/2013	Letter to Santee Sioux Nation Transmitting a Follow-up Email Pertaining to an Upcoming Field Survey for the Dewey-Burdock Project.
00-2466	ML13039A406	02/08/2013	Letter to Lower Brule Sioux Tribe re: Transmittal of Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2467	ML13039A408	02/08/2013	Letter to Sisseton-Wahpeton Oyate Tribes Transmitting a Follow-up Email Pertaining to an Upcoming Field Survey for the Dewey-Burdock Project.
00-2468	ML13042A030	02/08/2013	Letter to Lower Sioux Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.

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00-2469	ML13042A045	02/08/2013	Letter to Northern Arapaho Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Survey for Dewey-Burdock.
00-2470	ML13042A060	02/08/2013	Letter to Spirit Lake Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2471	ML13042A066	02/08/2013	Letter to Standing Rock Sioux Tribe re: Transmittal of a Follow-up Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2472	ML13042A078	02/08/2013	Letter to Three Affiliated Tribes re: Transmittal of an Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2473	ML13042A085	02/08/2013	Letter to Yankton Sioux Tribe re: Transmittal of Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2474	ML13042A104	02/08/2013	Letter to Turtle Mountain Band of Chippewa re: Transmittal of Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2475	ML13042A117	02/08/2013	Letter to Cheyenne and Arapaho Tribes re: Transmittal of Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2476	ML13042A131	02/08/2013	Letter to Pawnee Nation of Oklahoma re: Transmittal of Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2477	ML13042A138	02/08/2013	Letter to Omaha Tribe of Nebraska re: Transmittal of Email Pertaining to an Upcoming Field Survey for Dewey-Burdock.
00-2478	ML13079A026	03/05/2013	Powertech's Dewey-Burdock, Air Quality Modeling Protocol and Report.
00-2479	ML13086A630	03/11/2013	R. Withrow email re: Dewey-Burdock Survey Invitation.
00-2480	ML13086A649	03/11/2013	R. Withrow email re Dewey Burdock Survey Invitation - Nuclear Regulatory Commission.
00-2481	ML13086A715	02/15/2013	R. Withrow email re: Dewey Burdock Survey Invitation dated February 8, 2013.
00-2482	ML13087A282	03/08/2013	R. Withrow email to Northern Cheyenne Tribe re: Dewey Burdock Tribal Survey Invitation.
00-2483	ML13087A285	03/08/2013	R. Withrow email to Crow Tribe re: Dewey Burdock Tribal Survey Invitation.
00-2484	ML13087A290	02/26/2013	R. Thomas Email re: Dewey-Burdock Proposal.
00-2485	ML13087A294	02/26/2013	Transmittal of Follow-up Email Pertaining to Upcoming Field Survey for Dewey-Burdock.
00-2486	ML13087A307	03/07/2013	R. Withrow email to Spirit Lake Tribe re: Tribal Survey Information.
00-2487	ML13087A325	03/12/2013	R. Withrow email to Spirit Lake Tribe re: Resending Tribal Survey Information.

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ID Number	Accession Number	Document Date	Title
00-2488	ML13087A350	02/27/2013	R. Withrow email to Three Affiliated Tribes re: NRC-Dewey Burdock-Tribal Survey Invitation
00-2489	ML13087A367	02/19/2013	R. Withrow email to Oglala Sioux Tribe re: Dewey Burdock Survey Invitation.
00-2490	ML13087A379	02/19/2013	R. Withrow email to Oglala Sioux Tribe re: Dewey Burdock Survey Invitation.
00-2491	ML13087A452	02/08/2013	Highlighted Version of Dewey Burdock Survey Invitation Letter of February 8, 2013.
00-2492	ML13087A520	03/14/2013	Email re: Dewey-Burdock Survey Invitation - Nuclear Regulatory Commission.
00-2493	ML13087A529	03/12/2013	Rosebud Sioux Tribe email re: Dewey-Burdock Survey Invitation.
00-2494	ML13087A541	03/12/2013	Rosebud Sioux Tribe email re: Dewey-Burdock Survey Invitation.
00-2495	ML13087A545	03/11/2013	B. Nadeau email re: Dewey-Burdock Tribal Survey Invitation.
00-2496	ML13092A209	04/24/2013	Summary of Section 106 Tribal Outreach Efforts.
00-2497	ML13092A325	03/19/2013	Comment (174) of Unknown Individual on behalf of Town Council and the People of Buffalo Gap Opposing to Powertechs Proposed Uranium Mine at Dewey-Burdock.
00-2498	ML13101A037	04/11/2013	Petition Letter from Kathy Herrera.
00-2499	ML13101A045	04/11/2013	Petition Letter from Michael Herrera Opposing Powertech's License Permit Proposal.
00-2500	ML13101A047	04/11/2013	Petition Letter from Esther Britton.
00-2501	ML13101A053	04/11/2013	Petition Letter from Kim.
00-2502	ML13101A057	04/11/2013	Petition Letter from Matt Hinmon.
00-2503	ML13106A197	03/29/2013	L. Camper Ltr. re: Response to March 12, 2013 Invitation Letter for Government-to-Government Consultation from Oglala Sioux Tribe.
00-2504	ML13106A349	04/15/2013	H. Yilma Email re: South Dakota DENR Recommendation on Powertech Large Scale Mine Permit.
00-2505	ML13106A353	04/15/2013	South Dakota Department of Environment and Natural Resources Recommendation.
00-2506	ML13106A358	04/15/2013	Recommended Conditions - Dewey-Burdock Project.
00-2507	ML13116A404	04/22/2013	2013/04/22 Powertech Dewey-Burdock LA - RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
00-2508	ML13116A406	04/22/2013	2013/04/22 Powertech Dewey-Burdock LA - RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
00-2509	ML13116A407	04/22/2013	2013/04/22 Powertech Dewey-Burdock LA - Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
00-2510	ML13116A408	04/19/2013	2013/04/19 Powertech Dewey-Burdock LA - RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

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ID Number	Accession Number	Document Date	Title
00-2511	ML13116A412	03/15/2013	2013/03/15 Powertech Dewey-Burdock LA - RE: field survey for Dewey-Burdock
00-2512	ML13116A413	03/22/2013	2013/03/22 Powertech Dewey-Burdock LA - FW: Dewey-Burdock Survey Invitation - Nuclear Regulatory Commission
00-2513	ML13116A414	03/20/2013	2013/03/20 Powertech Dewey-Burdock LA - RE: Requirements of a specific methodology for a TCP survey
00-2514	ML13116A415	03/15/2013	2013/03/15 Powertech Dewey-Burdock LA - Requirements of a specific methodology for a TCP survey
00-2515	ML13116A416	04/17/2013	2013/04/17 Powertech Dewey-Burdock LA - RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
00-2517	ML13116A419	04/17/2013	2013/04/17 Powertech Dewey-Burdock LA - Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
00-2518	ML13116A420	04/10/2013	2013/04/10 Powertech Dewey-Burdock LA - Dewey Burdock Field Survey Temporarily Suspended due to weather conditions
00-2519	ML13116A432	03/29/2013	2013/03/29 Powertech Dewey-Burdock LA - RE: Upcoming Field Survey for the Dewey-Burdock Project
00-2520	ML13116A433	03/29/2013	2013/03/29 Powertech Dewey-Burdock LA - Upcoming Field Survey for the Dewey-Burdock Project
00-2521	ML13116A434	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements
00-2522	ML13116A435	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements
00-2523	ML13116A436	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements
00-2524	ML13116A437	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements
00-2525	ML13116A438	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements
00-2526	ML13116A439	03/28/2013	2013/03/28 Powertech Dewey-Burdock LA - Dewey Burdock Survey Arrangements

May 1, 2013

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 May 2013

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: May 1, 2013

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, this 1st day of May 2013.

***/Signed (electronically) by/
Michael J. Clark***

Michael J. Clark
Counsel for the NRC Staff
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(301) 415-2011
Michael.Clark@nrc.gov
Date of Signature: May 1, 2013