

September 3, 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. 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 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 in accordance with 10 C.F.R. §§ 2.336(d) and 2.1203(c) no later than October 1, 2013.

Sincerely,

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

Patricia A. Jehle
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Sensitive Info - Official Use Only Log
Affidavit of Ronald Burrows
cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
September 3, 2013 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-2601	ML13213A268	07/18/2013	B. Werling E-mail re: D-B 1st High PM10/PM2.5 for PSD Discussion.
00-2602	ML13213A275	08/01/2013	DB Modeling Protocol Table 6-1 Heading Clarifications.
00-2603	ML13213A282	02/21/2013	R. Blubaugh Ltr. re: Review of Powertech's Air Quality Application.
00-2604	ML13213A294	04/01/2001	Methodology for Estimating Fugitive Windblown and Mechanically Resuspended Road Dust Emissions.
00-2605	ML13213A301	10/02/2012	Air Quality Modeling and Impacts on the Mining Industry: An Overview.
00-2606	ML13213A324	09/01/2010	Appendix K - Air Resources Impact Assessment Technical Report for the Alton Coal Lease by Application, Draft Environmental Impact Statement.
00-2607	ML13213A342	05/01/2011	Draft "White Paper", Status of CAAA Section 234 Regulatory and Technical Issues Update.
00-2608	ML13213A386	08/03/2005	Methodology to Estimate the Transportation Fraction (TF) of Fugitive Dust Emissions for Regional and Urban Scale Air Quality Analyses.
00-2609	ML13213A389	07/31/2006	Appendix F - Air Quality Technical Support Document, Atlantic Rim Natural Gas Project and the Seminoe Road Gas Development Project, Wyoming.
00-2610	ML13213A393	01/30/2012	US Dept of Agriculture, Southern Black Hills Water System, Argyle Road Service Alley, Special Use Permit - Decision Notice and Finding of No Significant Impact.
00-2611	ML13213A396	08/01/2013	Fugitive Dust Modeling with AERMOD for PM10 Emissions from a Municipal Waste Landfill.
00-2612	ML13232A192	08/20/2013	OIG 13-A-20 Audit of NRC's Compliance with 10 CFR Part 51, Relative to Environmental Impact Statements.
00-2613	ML13234A099	08/21/2013	Press Release-13-069: Statement of the Nuclear Regulatory Commission on the Office of Inspector General Audit of Environmental Reviews.
00-2614	ML13238A185	08/19/2013	R. Burrows Ltr Re: Dewey-Burdock Project Additional Statistical Analysis of Radium-226 Soil Sampling Data and Gamma Measurements.
00-2615	ML13239A228	08/19/2013	Dewey-Burdock Project, Additional Statistical Analysis of Radium-226 Soil Sampling Data and Gamma.

**ATTACHMENT 2
 POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
 SENSITIVE INFORMATION LOG
 September 3, 2013**

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-00-69	ML13211A007	Northern Arapaho Business Committee	Northern Arapaho Tribe - Traditional and Cultural Properties for Dewey-Burdock Project, Cluster County, Nebraska - 2.	07/22/2013	Cultural Resources Survey Report	Use controlled by Section 304 of the National Historic Preservation Act and South Dakota Codified Laws, specifically, § 1-20-21.2.	44

September 3, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

POWERTECH (USA) INC.,)

(Dewey-Burdock In Situ Uranium Recovery Facility))

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

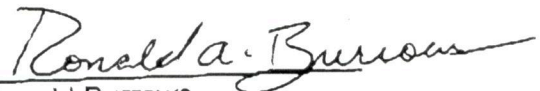
AFFIDAVIT OF RONALD BURROWS CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

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 3rd day of September 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) Date: September 3, 2013
Facility)

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 3rd day of September 2013.

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

Patricia A. Jehle
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(301) 415-2011
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Date of Signature: September 3, 2013