

**From:** [Chris Pugsley](#)  
**To:** [Docket\\_Hearing](#); [Allen, Sabrina](#); [Barnett, Mark](#); [Alison Bimba](#); [Clark, Michael](#); [Cole, Richard](#); [Tim Donis](#); [belli4law@aol.com](#); [arm.legal@gmail.com](#); [jfritz@wvcengineering.com](#); [Froehlich, William](#); [Jehle, Patricia](#); [OCAAMAIL\\_Resource](#); [wmap@igc.org](#); [escheinost@powertechuranium.com](#); [Sciretta, Nicholas](#); [Cindy Seaton](#); [Sola, Clara](#); [Spencer, Mary](#); [stills@frontier.net](#); [stefen@nealrgross.com](#); [Anthony Thompson](#)  
**Subject:** RE: NRC Proceeding "Powertech USA 40-9075-MLA"  
**Date:** Thursday, August 07, 2014 4:00:55 PM

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To Members of the Licensing Board Panel:

Powertech wishes to request clarification on what is required of the company within the three day period identified in yesterday's Order regarding OST Exhibit 019 and the disclosure of data identified in the exhibit. Powertech believes this response complies with the Board's request for a response within the three day period.

First, Powertech believes that the Board would benefit from legal argument from all parties regarding this issue which was not the purpose of the recent telephone conference regarding procedural matter. Powertech is in a position to offer such legal argument no later than close of business tomorrow, Friday the 8th of August. Additionally, if the Board would prefer oral argument on the issues, Powertech counsel is prepared to participate in such argument. Powertech believes that it can offer a colorable claim that this data is not relevant to Contention 3 and that there is no need for disclosure, especially considering that the Board rejected a request for cross-examination on the issues raised in OST Exhibit 019 based on the substance being outside the scope of the admitted contentions.

Second, Powertech believes that the Board should be briefed on what the substance of the acquired data is and how it is not relevant to the safety and environmental-related arguments offered by CI and the Tribe and the fact that Powertech does not have access to all of the data described in the press release and will not until sometime in September. Powertech is prepared to offer an affidavit with any legal argument demonstrating that the data is not relevant to understanding the stratigraphy aspects of the Project, is not within the scope of Contention 3, and is not completely within Powertech's possession. This is especially important because Powertech believes that other counsel's characterization of this data is incorrect. Further, CI and the Tribe have made no showing how such logs will assist them with Contention 3 and never previously asked for borehole logs that Powertech used to generate the isopach maps, structure contour maps, etc regarding site stratigraphy in its application materials. Powertech believes the Board should at least be informed of what the substance of the data is and how it relates to what was submitted in the Powertech's license application prior to requiring disclosure. In the event that disclosure is mandated, Powertech will require signatures from all parties receiving the data to the current Protective Order or another confidentiality agreement agreed upon by all parties. The data is being purchased with a financial premium due to its economic value and cannot be disclosed publicly.

Lastly, Powertech requests that the Board please clarify what, if any, changes to the hearing schedule or subsequent briefing that will occur in the event that the data is or is not disclosed prior to the hearing. Preparations already have been made for Powertech personnel and counsel to attend the hearing on the 18th of August and would respectfully request notification of any potential delays.

Thank you for your time and consideration in this matter.

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-----Original Message-----

From: Docket, Hearing [<mailto:Hearing.Docket@nrc.gov>]  
Sent: Wednesday, August 06, 2014 3:56 PM  
To: Docket, Hearing; Allen, Sabrina; Barnett, Mark;  
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Subject: RE: NRC Proceeding "Powertech USA 40-9075-MLA"

-----Original Message-----

From: Hearingdocket@nrc.gov [<mailto:Hearingdocket@nrc.gov>]  
Sent: Wednesday, August 06, 2014 3:55 PM  
To: Allen, Sabrina; Barnett, Mark; abimba@athompsonlaw.com; Clark,  
Michael; Cole, Richard; tdonis@athompsonlaw.com; belli4law@aol.com;  
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Subject: Re: NRC Proceeding "Powertech USA 40-9075-MLA"

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY COMMISSION

Re: NRC Proceeding "Powertech USA 40-9075-MLA"

The Office of the Secretary has received a document entitled

"Order Question Following Prehearing Hearing Conference"

submitted by Clara Sola who is affiliated with NRC SECY.

It is intended for inclusion in the referenced proceeding. It was submitted through the NRC Electronic Information Exchange (EIE) system and arrived on 08/06/14 at 15:49 EDT.

As a hearing participant, you are entitled to view and/or retrieve this document by visiting the following web link:

Order Question Following Prehearing Hearing Conference -  
<https://eieprod.nrc.gov/EIE25L1/downloadAttachment.do?submissionID=26299&docID=15539> (129 KB) - ML14218A743

The document will remain available through this link for 365 day(s) after which it will be removed from the EIE system. Not later than 3 days from the date of this message the document will also be available through NRC Electronic Hearing Docket (EHD) web site. The web link for this site is: <http://adams.nrc.gov/ehd> and the documents can be located by browsing in the appropriate hearing folder or by searching using the documents accession number shown above (ML14XXXXXXX)

Receipt of this message constitutes completion of service of this filing.

**PARTIES SERVED WITH THIS SUBMISSION:**

Allen, Sabrina; Barnett, Mark; Bimba, Alison; Clark, Michael; Cole, Richard; Donis, Timothy; Ellison, Bruce; Frankel, David Cory; Fritz, Jack; Froehlich, William; Hearing Docket, Hearing Docket; Jehle, Patricia; OCAAMAIL, OCAAMAIL; Parsons, Jeffrey; Pugsley, Christopher; Scheinost, Elizabeth; Sciretta, Nicholas; Seaton, Cindy; Sola, Clara; Spencer, Mary; Stills, Travis; Styrsky, Stefen; Thompson, Anthony