

**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)	Date: October 14, 2014
Facility))	
)	
)	

CI UPDATE ON STATUS OF MANDATORY DISCLOSURES

Powertech (USA), Inc. (“Applicant”), NRC Staff (“Staff”), Consolidated Intervenors (“CI”), and the Oglala Sioux Tribe (“Tribe”) were requested to report on the status of the mandatory disclosures pursuant to the Atomic Safety and Licensing Board’s Order dated October 9, 2014. The following is a summary of the information that Applicant disclosed, when such information was disclosed, and whether any additional information remains to be disclosed, with the included comments of Consolidated Intervenors which Applicant decided not to include in its report.¹

On September 12, 2014, Applicant shipped DVD copies of digitized electronic log data to CI, the Tribe, and Staff for overnight delivery. Applicant also provided electronic copies of the take permit application, the letter sent to Applicant by the United States Bureau of Land Management (BLM) requesting additional information on Applicant’s Plan of Operations

¹ A joint update was prepared by Applicant and commented on by the Staff and the Tribe and CI; however, Applicant rejected CI’s suggested insertions to the report and it was agreed that CI would submit its own report to the Board and would not join in Applicant’s report.

application, and the draft avian monitoring plan. This electronic transmission was also sent to the Licensing Board's clerk, Nicholas Sciretta. On the same day, Applicant made available the data acquired from Energy Fuels Resources (USA), Inc. ("EFR") to the parties, at Applicant's Edgemont office including logs that were in Applicant's possession prior to the acquisition of additional logs from EFR and all other logs and maps acquired from EFR; the foregoing constituted a large volume of data in a variety of formats. The appropriate members of CI and the Tribe properly executed the Protective Order prior to that date.

CI's expert Dr. Hannan LaGarry, visited Applicant's Edgemont office promptly after the documents were made available for a period of three (3) days (September 12-14, 2014), at great cost, expense and inconvenience to CI to conduct an initial overview of the nature and extent of the additional volume of data but there was not sufficient time for a complete review or any meaningful analysis of the data. As a result, CI has not been able to complete a meaningful review of the massive volume of additional data made available by Applicant at its Edgemont office. On September 23, 2014, three (3) members of NRC Staff's team visited the Edgemont office and reviewed the available disclosed information.

Applicant has asserted that, to date, it has disclosed or made available any and all information that was directed to be disclosed but CI has no way of verifying that assertion (which might be a good idea in light of the previous failures and recalcitrance of Applicant to make the disclosures when first required to do so under NRC rules). Applicant has further asserted that it is in the process of preparing a response to the aforementioned BLM letter. At this time, Applicant has asserted, that response has not yet been completed, but it will be

disclosed immediately upon receipt by BLM or the next disclosure deadline, whichever day is earlier.

Dated this 14th day of October, 2014.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “CI UPDATE ON STATUS OF MANDATORY DISCLOSURES” in the captioned proceeding were served via email per the Board’s order in this matter, on the 14th day of October, 2014, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.

/s/

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