

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chair  
Dr. Richard F. Cole<sup>\*</sup>  
Dr. Mark O. Barnett

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

January 14, 2015

NOTICE

(Pursuant to 10 C.F.R. § 2.309(j)(1))

On November 7, 2014, the Oglala Sioux Tribe filed a motion for leave to file two new contentions in this proceeding.<sup>1</sup> Both the NRC Staff and Powertech filed answers on December 2, 2014.<sup>2</sup> The Oglala Sioux Tribe did not file a reply. Because the issues raised by New Contentions 1 and 2<sup>3</sup> are closely linked to the issues in the previously admitted contentions, the

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<sup>\*</sup> Dr. Richard F. Cole did not participate in this ruling. Dr. Cole passed away on December 11, 2014.

<sup>1</sup> Motion for Leave to File New or Amended Contention on Behalf of the Oglala Sioux Tribe (Nov. 7, 2014).

<sup>2</sup> NRC Staff's Response to Oglala Sioux Tribe's Motion to Admit New Contentions (Dec. 2, 2014); Powertech (USA), Inc. Response to the Oglala Sioux Tribe Motion for Leave to Submit New or Amended Contentions (Dec. 2, 2014).

<sup>3</sup> New Contention 1 alleges, "The NRC Staff's Review of Newly-Disclosed Borehole Data was Inadequate Under, and Failed to Comply with, the National Environmental Policy Act and Implementing Regulations," and New Contention 2 alleges, "The NRC Staff NEPA Analysis Fails to Adequately Address or Review the Findings in the EPA's CERCLA Preliminary

Board will address the new contentions' admissibility in the Initial Decision. The Initial Decision will be issued within 90 days of the close of the record in this proceeding.<sup>4</sup> The record in this proceeding was closed on December 10, 2014.<sup>5</sup>

The Board hereby gives notice pursuant to 10 C.F.R. § 2.309(j)(1) that it anticipates issuing its Initial Decision in this proceeding on or before March 10, 2015.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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William J. Froehlich, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 14, 2015

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Assessment or the EPA's Reasonably Foreseeable CERCLA Removal Action." Motion for Leave to File New or Amended Contention on Behalf of the Oglala Sioux Tribe at 6, 11 (Nov. 7, 2014).

<sup>4</sup> See 10 C.F.R. Part 2, App. B, Model Milestones for Hearings Conducted Under 10 C.F.R. Part 2, Subpart L.

<sup>5</sup> Licensing Board Order (Admitting Additional Exhibits, Closing the Record on Contention 3 and Setting Briefing Dates) (Dec. 10, 2014).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
POWERTECH (USA) INC. ) Docket No. 40-9075-MLA  
(Dewey-Burdock In Situ Recovery Facility) )  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE (Pursuant to 10 C.F.R. §2.309(j)(1))** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY  
DOCKET NO. 40-9075-MLA

**NOTICE (Pursuant to 10 C.F.R. §2.309(j)(1))**

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[Original signed by Clara Sola]  
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Rockville, Maryland  
January 14, 2015