

June 30, 2017

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

G. Paul Bollwerk, III
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:

In accordance with 10 C.F.R. § 2.336, 10 C.F.R. § 2.1203, and the Board's orders in this proceeding, the U.S. Nuclear Regulatory Commission (NRC) Staff provides the Board and the parties with a supplemental hearing file and mandatory disclosures. There are no new items this month to add to the hearing file index. As required by 10 C.F.R. § 2.336(c), the Staff is providing an affidavit certifying that all relevant materials have been disclosed (Attachment 1).

With this letter, the Staff also notifies the Board and parties of its identification of a technical failure on the part of the Electronic Information Exchange system (EIE) that resulted in the inadvertent omission of the Staff's January 2017 Hearing File Update from the NRC's Agencywide Documents Access and Management System (ADAMS).

On January 3, 2017, the Staff filed its January 2017 Hearing File Update and January 2017 Status Report through the EIE and by electronic mail to those representatives exempted from filing through the EIE. The Staff recently discovered that the January 2017 Hearing File Update was not available in ADAMS. After consulting with the Office of the Secretary (SECY), the Staff was advised that an error in the EIE had resulted in the loss of the January 2017 Hearing File Update before it could be processed into ADAMS (this error did not affect the Staff's January 2017 Status Report). SECY also advised the Staff to refile the January 2017 Hearing File Update through the EIE to ensure its inclusion in the electronic hearing docket. Therefore, with this month's update, the Staff also resubmits its January 2017 Hearing File Update (Attachment 2).

The Staff notes that, as described above, the January 2017 Hearing File Update was successfully filed by electronic mail to the parties on January 3, 2017. In addition, the document listed on the Staff's Hearing File Index and Mandatory Disclosures Log for that update has been publicly available since January 3, 2017.

The Staff will continue to update its mandatory disclosures, hearing file, and privilege logs in accordance with 10 C.F.R. § 2.336(d), § 2.1203(c), and the Board's orders.

Respectfully submitted,

***/Signed (electronically) by/
Emily Monteith***

Emily Monteith
Counsel for NRC Staff

Enclosures: Attachment 1: Affidavit of Ron Burrows
Attachment 2: Re-submitted January 2017 Hearing File Update

cc: Electronic Information Exchange Service List

June 29, 2017

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 A. Burrows, do hereby state as follows:

1. I am employed as a Senior Health Physicist in the Nuclear Regulatory Commission's Office of Nuclear Materials Safety and Safeguards, Division of Decommissioning, Uranium Recovery, and Waste Programs, Uranium Recovery Licensing Branch. 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 A. Burrows

Executed in Rockville, MD
this 29th day of June, 2017

January 3, 2016

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
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G. Paul Bollwerk, III
Administrative Judge
Atomic Safety and Licensing Board Panel
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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 U.S. Nuclear Regulatory Commission (NRC) Staff provides the attached hearing file update (Attachment 1). The Staff has not identified any documents that, under 10 C.F.R. § 2.390, are exempt from disclosure.

The Staff will continue to update its mandatory disclosures, hearing file, and privilege logs in accordance with 10 C.F.R. § 2.336(d), § 2.1203(c), and the Board's orders.

Respectfully submitted,

***/Signed (electronically) by/
Emily Monteith***

Emily Monteith
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Affidavit of Thomas Lancaster

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
January 3, 2017 Update (Publicly Available Documents)

ID Number	Accession Number	Document Date	Title
00-2976	ML16357A649	12/22/2016	E-Mail to T. Lone Hill Follow-up: Invitation to Meet with the Oglala Sioux Tribe Regarding the Dewey-Burdock ISR Project (DOCKET 40-9075).

December 22, 2016

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, Thomas Lancaster, do hereby state as follows:

1. I am employed as a Hydrogeologist in the Nuclear Regulatory Commission's Office of Nuclear Materials Safety and Safeguards, Division of Decommissioning, Uranium Recovery, and Waste Programs, Uranium Recovery Licensing Branch. 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.

/Executed in accord with 10 C.F.R. § 2.304(d)/
Thomas Lancaster

Executed in Rockville, MD
this 22nd day of December, 2016

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: January 3, 2017
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "NRC STAFF'S HEARING FILE UPDATE" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 3rd day of January, 2017. A representative for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on January 3, 2017.

***/Signed (electronically) by/
Sabrina Allen***

Sabrina Allen
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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POWERTECH (USA) INC)	Docket No. 40-9075-MLA
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(Dewey-Burdock In Situ Uranium Recovery)	Date: June 30, 2017
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "NRC STAFF'S HEARING FILE UPDATE" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 30th day of June, 2017. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on June 30, 2017.

***/Signed (electronically) by/
Emily Monteith***

Emily Monteith
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