

July 2, 2018

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 (Attachment 1). 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). As required by 10 C.F.R. § 2.336(c), the Staff is providing an affidavit certifying that all relevant materials have been disclosed.

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: Proprietary Information Log
Attachment 3: Affidavit of Ronald Burrows

cc: Electronic Information Exchange Service List

ATTACHMENT 1
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
July 2, 2018 Update (Publicly Available Documents)

ID	Accession Number	Document Date	Title
00-3084	ML18094A267	04/04/2018	Audit of NRC's Consultation Practices With Federally Recognized Native American Tribal Governments
00-3085	ML18159A493	10/24/2007	Ordinance of the Oglala Sioux Tribal Council Establishing the Oglala Sioux Tribe Research Review Board.
00-3086	ML18159A494	6/7/2011	Ordinance of the Oglala Sioux Tribal Council Establishing Procedures for Government-to-Government Consultation Between the Oglala Sioux Tribe and the United States Government.
00-3087	ML18169A327	11/11/2011	Email to J. Mays, Powertech, from NRC Contractor, RE: Enclosure 2A-Shapefiles for Buffered Tribal Sites.
00-3088	ML18169A325	10/27/2014	Email to J. Mays, Powertech, from NRC Contractor, RE: Enclosure 1A-Shapefiles for Buffered Tribal Sites.
00-3089	ML18159A623	2/29/2016	University of Arizona Protocols for Tribal Consultation.
00-3090	ML18150A632	5/25/2018	E-Mail to J. Mays, Powertech, from D. Diaz-Toro, NRC; Re: Confirming Latest Maps.
00-3091	ML18150A617	5/25/2018	E-Mail to J. Mays, Powertech, from D. Diaz-Toro, NRC; Re., Confirming Latest Maps - 2nd Map.
00-3092	ML18169A328	5/29/2018	Email from J.Mays, Powertech, to D.Diaz-Toro, NRC, RE: Shapefile Data for the Buffered Tribal Sites.
00-3093	ML18155A224	5/31/2018	5-31-2018 Telephone Call with Cheyenne River Sioux RE: Webinar and Teleconference Call to Discuss Survey Methodology for Dewey-Burdock ISR project.

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July 2, 2018 Update (Publicly Available Documents)

00-3094	ML18152B837	5/31/2018	Email to B.Rhodd, Rosebud Sioux Tribe, from K.Jamerson, RE: Reminder NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3095	ML18152B685	5/31/2018	Email to G.Kills A Hundred, Flandreau-Santee Sioux Tribe, from K.Jamerson, RE: Reminder NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3096	ML18152B841	5/31/2018	Email to J.Eagle, Standing Rock Sioux Tribe, from K.Jamerson, NRC, RE: Reminder NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3097	ML18152B844	5/31/2018	Email to K.Spotted Eagle, Yankton Sioux Tribe, from K.Jamerson, NRC, RE: Reminder NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3098	ML18152B681	5/31/2018	Email to S.Vance, Cheyenne River Sioux Tribe, from K.Jamerson, NRC, RE: Reminder NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3099	ML18152A672	6/1/2018	Agenda for NRC Webinar and Teleconference Call With Tribes to Discuss Survey Methodology.
00-3100	ML18152B332	6/1/2018	E-Mail from John Mays, Powertech, to Diana Diaz-Toro, NRC; Re: Payment of Honorariums.
00-3101	ML18152B714	6/1/2018	Email to Jeff Parsons, Counsel for Oglala Sioux Tribe, from C.Roman, NRC, RE: Webinar Reminder, Agenda, and Slides-Dewey-Burdock ISR Survey Methodology
00-3102	ML18152B845	6/1/2018	Email to Lower Brule Sioux Tribe-Reminder - NRC Webinar and Teleconference to Discuss Survey Methodology for the Dewey-Burdock ISR Project.
00-3103	ML18152A676	6/1/2018	Slides for NRC Webinar and Teleconference Call with Tribes to Discuss the Survey Methodology June 1 and June 4 2018
00-3104	ML18156A188	6/4/2018	NRC Email to B. Rhodd, Rosebud Sioux Tribe, from K.Jamerson, NRC, RE: NRC Follow-Up Teleconference Call to Discuss Dewey-Burdock ISR Methodology.
00-3105	ML18156A172	6/4/2018	NRC Email to G.Kills A Hundred, Flandreau-Santee Sioux Tribe, from K.Jamerson, RE: NRC Follow-Up Teleconference Call to Discuss Dewey-Burdock ISR Survey Methodology.
00-3106	ML18156A189	6/4/2018	NRC Email to J.Eagle, Standing Rock Sioux Tribe, from K.Jamerson, NRC, RE: NRC Follow-Up Teleconference Call to Discuss Dewey-Burdock Survey Methodology.
00-3107	ML18156A162	6/4/2018	NRC Email to K.White, Oglala Sioux Tribe, from K.Jamerson, RE: NRC Follow-Up Teleconference Call to Discuss Dewey-Burdock ISR Survey Methodology

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July 2, 2018 Update (Publicly Available Documents)

00-3108	ML18156A165	6/4/2018	NRC Email to S. Vance, Cheyenne River Sioux Tribe, from K.Jamerson, RE: NRC Follow-Up Teleconference Call to Discuss Dewey-Burdock ISR Survey Methodology.
00-3109	ML18157A092	6/5/2018	Dewey-Burdock Survey Initial Work Plan-06-05-2018.
00-3110	ML18157A108	6/5/2018	Email to Invited Tribes RE: Dewey-Burdock Tribal Field Survey
00-3111	ML18156A187	6/5/2018	NRC Email to C.Green, Lower Brule Sioux Tribe, from D.Diaz-Toro, NRC, RE: NRC Followup Teleconference Call to Discuss Dewey-Burdock ISR Survey Methodology.
00-3112	ML18157A369	6/6/2018	Email from John Mays, Powertech, to D.Diaz-Toro, NRC, RE: Powertech's Edgemont Office Address.
00-3113	ML18157A381	6/6/2018	Email from K. Jamerson, NRC, to K. White, Oglala Sioux Tribe Re Oglala Sioux Tribe Ordinances.
00-3114	ML18159A134	6/6/2018	Email from Oglala Sioux Tribe Counsel to NRC Re: Summaries of Previous Work at Dewey-Burdock.
00-3115	ML18159A192	6/7/2018	Dewey-Burdock ISR Project-Literature Review-Background.
00-3116	ML18160A009	6/7/2018	Email from Cheyenne River Sioux Tribe Re: NRC Webinar and Teleconference Call Dates and Times Re: Survey Methodology for the Dewey-Burdock ISR Project.
00-3117	ML18159A191	6/7/2018	Email from P.Nickens, NRC Contractor, to Invited Tribes RE: Dewey-Burdock Literature Review Document.
00-3118	ML18159A504	6/7/2018	Email from PNickens to OST Counsel RE-Dewey-Burdock Field Survey Documentation Formats.
00-3119	ML18159A500	6/7/2018	Email from T.Stills, Oglala Sioux Tribe Counsel, to NRC, Re: Summaries of Previous Work at Dewey-Burdock.
00-3120	ML18159A621	6/7/2018	Letter from T. Stills, OST; Re., Proposed Schedule for Field Survey.

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July 2, 2018 Update (Publicly Available Documents)

00-3121	ML18160A008	6/7/2018	Letter to Cinthya Roman, NRC from Mr. Steve Vance, Cheyenne River Sioux Tribe; Re., Dewey Burdock June 2018.
00-3122	ML18159A620	6/8/2018	Email from Mr. Travis Stills, OST Counsel to NRC; Re., Dewey-Burdock Literature Review Document.
00-3123	ML18159A624	6/8/2018	Email from OST Counsel Re: Summaries of Previous Work at Dewey-Burdock-Continuation.
00-3124	ML18159A585	6/8/2018	Email from T. Stills, Oglala Sioux Tribe Counsel, D.Diaz-Toro, NRC, Re: June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3125	ML18163A256	6/8/2018	E-Mail to Mr. Eagle from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3126	ML18163A255	6/8/2018	E-Mail to Mr. Kills A Hundred from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3127	ML18163A252	6/8/2018	E-Mail to Mr. Rhodd from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3128	ML18163A250	6/8/2018	E-Mail to Mr. Spotted Eagle from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3129	ML18163A246	6/8/2018	E-Mail to Mr. Vance from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3130	ML18163A241	6/8/2018	E-Mail to Mr. White from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3131	ML18163A243	6/8/2018	E-Mail to Ms. Green from Diana Diaz-Toro, NRC, Re June 2018 Field Survey Effort - Dewey-Burdock ISR Project.
00-3132	ML18159A625	6/8/2018	Email to T. Stills, Oglala Sioux Counsel, from D.Diaz-Toro, NRC, Re: Proposed Schedule for Cultural Resource Survey.
00-3133	ML18159A626	6/8/2018	Email to T.Stills, Oglala Sioux Tribe Counsel, from D.Diaz-Toro, NRC, RE: Proposed Schedule for Cultural Resources Survey at Dewey-Burdock.
00-3134	ML18169A252	6/9/2018	Email to J. Mays, Powertech, from D. Diaz-Toro, NRC, RE: Our Edgemont Office Address.
00-3135	ML18160A013	6/9/2018	Email to T.Stills, Oglala Sioux Tribe Counsel, form D.Diaz-Toro, NRC, RE:Dewey-Burdock Field Survey Documentation Formats.

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July 2, 2018 Update (Publicly Available Documents)

00-3136	ML18173A166	6/11/2018	E-mail to E. Monteith, NRC, from T. Stills, Counsel to the Oglala Sioux Tribe, RE: Summaries of Previous Work at Dewey-Burdock.
00-3137	ML18173A160	6/11/2018	E-mail to T. Stills, Counsel to the Oglala Sioux Tribe, from E. Monteith, OGC, RE: Summaries of Previous Work at Dewey-Burdock.
00-3138	ML18173A191	6/12/2018	E-mail to K. White, Acting THPO, Oglala Sioux Tribe , from D. Diaz-Toro, NRC, RE: OST Methodology Meeting.
00-3139	ML18159A505	6/13/2018	Dewey-Burdock Cultural Heritage Form.
00-3140	ML18159A506	6/13/2018	Dewey-Burdock Native American Ethnographic Resources Form.
00-3141	ML18173A203	6/13/2018	E-mail to D. Diaz-Toro, NRC, from K. White, Acting THPO, Oglala Sioux Tribe, RE: Agenda Cultural Affairs & Historic Preservation Advisory Council.
00-3142	ML18173A196	6/13/2018	E-mail to E. Monteith, NRC, from T. Stills, Counsel to the Oglala Sioux Tribe, RE: Summaries of Previous Work at Dewey-Burdock.
00-3143	ML18173A206	6/13/2018	Oglala Sioux Tribe Advisory Council Meeting Agenda-June 13, 2018.
00-3144	ML18173A244	6/14/2018	E-mail to E. Monteith, NRC, from T. Stills, Counsel for the Oglala Sioux Tribe, RE: Dewey-Burdock ISR Activities.
00-3145	ML18173A232	6/14/2018	E-mail to E. Monteith, NRC, from T.S tills, Counsel for the Oglala Sioux Tribe, RE: Summaries of Previous Work at Dewey-Burdock.
00-3146	ML18173A241	6/14/2018	E-mail to K. White, Acting THPO, Oglala Sioux Tribe, from D. Diaz-Toro, NRC, RE: Dewey-Burdock ISR Activities.
00-3147	ML18170A154	6/15/2018	Email from T.Stills, Oglala Sioux Tribe Counsel, to E.Monteith, NRC, Re: Oglala Sioux Tribe's Second Discussion Draft & #8208; Cultural Resources Survey Methodologies.
00-3148	ML18173A257	6/15/2018	E-mail to E. Monteith, NRC, from T. Stills, Counsel for the Oglala Sioux Tribe, RE: Dewey-Burdock ISR Activities.
00-3149	ML18173A264	6/15/2018	E-mail to K. White, Acting THPO, Oglala Sioux Tribe, from D. Diaz-Toro, NRC, RE: Dewey-Burdock ISR Activities.
00-3150	ML18170A259	6/15/2018	Email to Native American Tribes from D. Diaz-Toro, NRC, RE: June 2018 Discontinued Activities at the Dewey-Burdock ISR Project.

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July 2, 2018 Update (Publicly Available Documents)

00-3151	ML18173A263	6/15/2018	E-mail to T. Stills Counsel for the Oglala Sioux Tribe, from E. Monteith, NRC, RE: Dewey-Burdock ISR Activities.
00-3152	ML18173A252	6/15/2018	E-mail to T. Stills, Counsel for the Oglala Sioux Tribe, from E. Monteith, NRC, RE: Dewey-Burdock ISR Activities.
00-3153	ML18173A266	6/15/2018	E-mail to T. Stills, Counsel for the Oglala Sioux Tribe, from E. Monteith, NRC, RE: Dewey-Burdock ISR Activities.
00-3154	ML18169A324	6/18/2018	Email to J.Mays, Powertech, from NRC Contractor, RE: Enclosure 1-Shapefiles for Buffered Tribal Sites.
00-3155	ML18169A326	6/18/2018	Email to J.Mays, Powertech, from NRC Contractor, RE: Enclosure 2-Shapefiles for Buffered Tribal Sites
00-3156	ML18179A132	6/28/2018	Biography for Dr. Paul Nickens.
00-3157	ML18164A241	6/29/2018	Meeting Summary for June 1st, 4th, and 5th, 2018 Webinar and Teleconference Sessions Regarding the Dewey-Burdock ISR Project.
00-3158	ML18164A239	6/29/2018	Memo to C. Roman re Summary of Webinar and Teleconference Call Sessions Regarding the Dewey-Burdock ISR Project.
00-3159	ML18151A445	5/31/2018	Letter C.Green, Lower Brule Sioux Tribe, from C.Roman, NRC, RE: Confirmation of Reimbursement and Compensation for Participation in Dewey-Burdock ISR Field Survey.
00-3160	ML18183A165	5/31/2018	Email to C.Green, Lower Brule Sioux Tribe, from D.Diaz-Toro, NRC, Re: NRC's Final Approach to Identify Historic, Cultural, & Religious Sites at the Dewey-Burdock ISR Project.
00-3161	ML18183A145	6/4/2018	E-Mail to Mr. Spotted Eagle, Yankton Sioux Tribe, from K. Jamerson, NRC; Re., NRC Follow-Up Teleconference Call Regarding the Dewey-Burdock ISR Project.
00-3162	ML18183A103	6/14/2018	E-mail to Tribal Historic Preservation Officers from K. Jamerson, NRC, RE: Dewey-Burdock ISR Project Activities.

ATTACHMENT 2
POWERTECH HEARING FILE AND MANDATORY DISCLOSURES
PROPRIETARY INFORMATION LOG
Update – July 2, 2018

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 document withheld because it contains commercial or financial information that, under 10 C.F.R. § 2.390(a)(4), is exempt from disclosure.

ID#	Accession Number	Author/ Affiliation	Title / Description	Document Date	Document Type	Comment	Page Count
PR-00-08	ML18170A140	Oglala Sioux Tribe	Oglala Sioux Tribe's June 12 Proposal, RE: Discussion Draft-Cultural Resource Survey Methodologies	06/12/2018	Proposal for cultural resources survey.	This document is withheld as proprietary at the request of the Oglala Sioux Tribe pursuant to 10 C.F.R. § 2.390(a)(4).	6
PR-00-09	ML18170A155	Oglala Sioux Tribe	Oglala Sioux Tribe's Second Discussion Draft; Cultural Resources Survey Methodologies.	06/15/2018	Proposal for cultural resources survey.	This document is withheld as proprietary at the request of the Oglala Sioux Tribe pursuant to 10 C.F.R. § 2.390(a)(4).	6

July 2, 2018

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

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 2nd day of July, 2018

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: July 2, 2018
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 2nd day of June, 2018. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on July 2, 2018.

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

Emily Monteith
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U.S. Nuclear Regulatory Commission
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