

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:	)	
	)	
	)	Docket No.: 40-9075-MLA
POWERTECH (USA), INC.	)	
	)	Date: April 4, 2013
	)	
(Dewey-Burdock In Situ Uranium Recovery	)	
Facility)	)	
_____	)	

**APPLICANT POWERTECH (USA) URANIUM CORPORATION'S RESPONSE TO  
NRC STAFF'S APRIL 1, 2013 STATUS REPORT**

Powertech (USA) Uranium Corporation (Powertech) hereby submits this Response to NRC Staff's April 1, 2013 Status Report (Response) regarding the current review status of the United States Nuclear Regulatory Commission's (NRC) review of Powertech's proposed Dewey-Burdock in situ leach uranium recovery (ISR) project (the "Project") in the State of South Dakota.

Powertech is currently in receipt of NRC Staff counsel's monthly status update dated April 1, 2013, in which an additional delay of five (5) months on the "issuance" of its Final Supplemental Environmental Impact Statement (FSEIS) has been assigned to its review of the proposed Dewey-Burdock Project. While it is apparent that this October, 2013 FSEIS "issuance" date pertains to the actual target date for public issuance of the document package, this Status Report did not address the part of the FSEIS process known as the "concurrence chain." However, as a result of a recent periodic status call with NRC Staff, Powertech now understands that a significant portion of this delay is associated with what is termed the

“concurrence chain” process for approving FSEISs. During this “concurrence chain” process, members of NRC’s Office of Federal and State Materials and Environmental Management Programs (FSME) and other NRC reviewers are accorded time to review and approve the FSEIS package so that complete agency oversight of the document package can be effectuated. Further, because NRC Staff’s SEIS process involves coordination with other federal agencies such as the United States Environmental Protection Agency (EPA) as a commenting party and the United States Department of the Interior’s Bureau of Land Management (BLM) as a formal “cooperating agency,” their review of the FSEIS document package also adds additional time to this review. Thus, due to the extensive consultation and approval process, the formal FSEIS issuance date was pushed back to October, 2013. But, based on current NRC Staff estimates and projections, Powertech was informed that the FSEIS document package is projected to enter the “concurrence chain” in July, 2013, so that all federal agencies may approve the FSEIS package and the October, 2013 “issuance” date may be met.

Powertech brings these facts to the Licensing Board’s attention for two reasons. First, the October, 2013 “issuance” date noted by NRC Staff indicates that the formal litigation process under 10 CFR Part 2 likely will commence sometime in the month of November, 2013. These facts provide the Licensing Board with the opportunity to better understand how scheduling should be conducted for the remainder of this proceeding, as well as timeframes for the filing of new and/or amended contentions. Second, the Licensing Board previously raised a question regarding the potential for a Dewey-Burdock site visit prior to the commencement of the merits portion of the litigation process. As all parties are well-aware, the timeframe from November, 2013 to February/March, 2013 is not conducive to a full site tour due to typically unfavorable weather conditions. By understanding the “concurrence chain” portion of the FSEIS process, the

Licensing Board can avail itself of maximum flexibility to schedule a site tour at a time where the FSEIS is essentially complete and when weather conditions are much more favorable. As stated previously, Powertech continues to support a site tour for the Licensing Board and other admitted parties and is prepared to discuss such a site visit at the Licensing Board's convenience.

With this said, Powertech respectfully submits this Response and brings the aforementioned facts to the Licensing Board's attention.

Respectfully submitted,

**/Signed (electronically) by/ Christopher S. Pugsley**

Dated: April 4, 2013

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Anthony J. Thompson, Esq.  
Christopher S. Pugsley, Esq.  
Thompson & Pugsley, PLLC  
1225 19<sup>th</sup> Street, NW  
Suite 300  
Washington, DC 20036  
COUNSEL TO POWERTECH

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing “**APPLICANT POWERTECH (USA) URANIUM CORPORATION’S THAT THE LICENSING BOARD TAKE JUDICIAL NOTICE**” in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 4th day of April 2013, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding.

Respectfully Submitted,

**/Executed (electronically) by and in  
accord with 10 C.F.R. § 2.304(d)/  
Christopher S. Pugsley, Esq.**

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Anthony J. Thompson, Esq.  
Christopher S. Pugsley, Esq.  
Thompson & Pugsley, PLLC  
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Suite 300  
Washington, DC 20036  
COUNSEL TO POWERTECH

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