

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

Before Administrative Judges:

William J. Froehlich, Chairman  
Dr. Richard F. Cole  
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

June 27, 2013

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

On November 15, 2012, the Nuclear Regulatory Commission Staff (NRC Staff) notified the Board of the public availability of its Draft Supplemental Environmental Impact Statement (DSEIS) prepared pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332, and the agency's implementing regulations, 10 C.F.R. Part 51.<sup>1</sup> On January 25, 2013, the Oglala Sioux Tribe and the Consolidated Intervenors<sup>2</sup> filed a total of 18 proposed contentions relating to the DSEIS.<sup>3</sup> On March 7, 2013, NRC Staff filed its response to the proposed

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<sup>1</sup> Letter to Administrative Judges Froehlich, Cole, and Barnett, from Patricia Jehle, Counsel for NRC Staff (Nov. 15, 2012) (ADAMS Accession No. 12320A623); see Generic Environmental Impact Statement for In-Situ Facilities, NUREG-1910 (Supp. 4, Nov. 2012) (ADAMS Accession No. ML12312A040).

<sup>2</sup> The Consolidated Intervenors consist of Susan Henderson, Dayton Hyde and Aligning for Responsible Mining (ARM).

<sup>3</sup> See List of Contentions of the Oglala Sioux Tribe Based on the [DSEIS] (Jan. 25, 2013); Consolidated Intervenors' New Contentions Based on DSEIS (Jan. 25, 2013).

contentions,<sup>4</sup> and Powertech filed its response on March 11, 2013.<sup>5</sup> On March 25, 2013, both the Oglala Sioux Tribe and the Consolidated Intervenors submitted replies in support of their respective motions for new contentions.<sup>6</sup>

10 C.F.R. § 2.309(j) provides that a board must “issue a decision on each such request within 45 days . . . of any pre-hearing conference that may be conducted regarding the proposed amended or new contentions or, if no pre-hearing conference is conducted, within 45 days after the filing of answers and replies.” Accordingly, the Board’s decision on the 18 proposed new contentions would have been due on May 9, 2013. The Board hereby provides notice pursuant to 10 C.F.R. § 2.309(j) that it anticipates issuing a decision on the 18 proposed contentions on or before July 19, 2013. This extension of the date for the Board’s ruling is necessary because of the number and complexity of the issues to be decided.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
June 27, 2013

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<sup>4</sup> NRC Staff’s Answer to Contentions on Draft Supplemental Environmental Impact Statement (Mar. 7, 2013).

<sup>5</sup> Applicant Powertech (USA) Uranium Corporation’s Response to Consolidated Petitioners’ Request for a Hearing/Petition for Intervention (Mar. 11, 2013).

<sup>6</sup> Consolidated Intervenors’ Consolidated Reply Re: DSEIS (Mar. 25, 2013); Consolidated Reply of the Oglala Sioux Tribe (Mar. 25, 2013).

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 )  
Source Materials License Application) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE (Pursuant to 10 C.F.R. § 2.309(j))** have been served upon the following persons by Electronic Information Exchange.

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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))**

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[Original signed by Clara Sola]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 27<sup>th</sup> day of June 2013.