

October 14, 2014

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

Richard F. Cole
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:

On September 8, 2014, the Board ordered Powertech to disclose well log data it recently purchased from Energy Fuels.¹ The Board acknowledged that the well log data is proprietary information, however, and it invited the parties to modify the existing Protective Order in this hearing to address the well log data.² Several of the parties' representatives thereafter executed non-disclosure agreements, or modified existing non-disclosure agreements, thereby affirming that they would abide by the terms of the Board's protective order.

As allowed under the Board's September 8, 2014 order, today the Staff is submitting supplemental testimony and exhibits addressing the well log data and Powertech's other recent disclosures.³ Five of the Staff's exhibits reproduce Powertech's well log data in some form and, accordingly, contain information that is subject to the Board's Protective Order. To ensure these exhibits reach only those hearing participants who have executed non-disclosure agreements, the Staff is filing these exhibits through the non-public portion of the NRC's Electronic Information Exchange (EIE) (or by e-mail, for those exempted from EIE filing) and serving only those legal representatives who have signed a non-disclosure agreement.

The Staff is also submitting an affidavit certifying that the five listed exhibits reproduce information from Powertech's recently disclosed well log data and, therefore, contain proprietary information. The Staff is attaching the affidavit to this notice.

Sincerely,

***/Signed (electronically) by/
Michael J. Clark***

Michael J. Clark, Counsel for NRC Staff

¹ Post-Hearing Order (September 8, 2014) at 9–12.

² *Id.* at 10.

³ *Id.* at 13, 19.

October 14, 2014

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 THOMAS LANCASTER CONCERNING
NON-PUBLIC EXHIBITS**

I, Thomas Lancaster, do hereby state as follows:

1. I am employed as a Hydrogeologist in the Uranium Recovery Licensing Branch in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Materials Safety and Safeguards. Among my responsibilities, I serve as Assistant Project Manager for Powertech (USA) Inc.'s application for a license to be used in connection with the proposed Dewey-Burdock uranium recovery facility.

2. I hereby certify that Exhibits NRC-166, NRC-168, NRC-169, NRC-172, and NRC-173 contain proprietary information that is exempt from disclosure. Specifically, these exhibits reproduce certain well log data that Powertech purchased from Energy Fuels Nuclear.

3. Exhibit NRC-166 contains a plate from Powertech's revised Technical Report (Plate 2.6-4). However, the drill hole surface elevations for the top of the Fuson Shale, which the NRC Staff added to the plate, are based on digital and paper logs that Powertech purchased from Energy Fuels. Therefore, Exhibit NRC-166 contains proprietary information.

4. Exhibits NRC-168, NRC-169, and NRC-172 are fence diagrams that the NRC Staff constructed from digital drill hole logs that Powertech purchased from Energy Fuels. Therefore, these exhibits also contain proprietary information.

5. Exhibit NRC-173 includes proprietary information because it reproduces data

(elevation and thickness of Fuson Shale) from the digital or paper well logs Powertech disclosed on September 14, 2014.

6. It is my understanding that the information in Exhibits NRC-166, NRC-168, NRC-169, NRC-172, and NRC-173 is subject to the Protective Order that the Board has issued in this hearing, and that this information can only be disclosed as authorized by the Board's order.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

***/Executed in accordance with 10
C.F.R. § 2.304(d)/***

Thomas Lancaster

Executed in Rockville, Maryland
this 14th day of October 2014