

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

Before Administrative Judges:

William J. Froehlich, Chairman
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

March 9, 2015

NOTICE

(Regarding Expected Issuance of Initial Decision)

The Board hereby notifies the Commission and the parties of the status of its Initial Decision for this proceeding. Although the Board's Order establishing filing dates did not include a specific date for issuance of the Initial Decision,¹ the Board intended to issue the Initial Decision within 90 days of the closing of the record.² After the Board resolved all matters related to the content of the adjudicatory record, the Board closed the record on December 10, 2014³ which set the projected issuance of the Initial Decision as March 10, 2015.⁴ The Board

¹ See Licensing Board Order (Prehearing Conference Call Summary and Initial Scheduling Order) (Oct. 4, 2010) (unpublished); see also Licensing Board Order (Supplementing Initial Scheduling Order) (Nov. 2, 2010) (unpublished).

² See 10 C.F.R. Pt. 2, App. B (II. Model Milestones for Hearings Conducted Under 10 C.F.R. Part 2, Subpart L) (describing the schedule for Subpart L proceedings, including the closing of the record).

³ See Licensing Board Order (Admitting Additional Exhibits, Closing the Record on Contention 3 and Setting Briefing Dates) (Dec. 10, 2014) (unpublished).

has been working on the Initial Decision, but additional time is necessary to complete our ruling. Due to various factors, including the length of the evidentiary record, the complexity of the issues presented, and the volume of pleadings filed in this case, together with the unexpected death of Administrative Judge Richard Cole,⁵ the Board hereby provides notice that it currently anticipates issuing its initial decision in the above captioned docket no later than April 30, 2015.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 9, 2015

⁴ See Tr. 1319; see also Licensing Board Notice (Pursuant to 10 C.F.R. § 2.309(j)(1)) (Jan. 14, 2015) (unpublished).

⁵ Judge Richard Cole, who was a member of this Board since its inception and participated in the limited appearance statement sessions, the site visit and the evidentiary hearing, unexpectedly passed away on December 11, 2014.

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NUCLEAR REGULATORY COMMISSION

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POWERTECH (USA) INC.) Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE (Regarding Expected Issuance of Initial Decision)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA

NOTICE (Regarding Expected Issuance of Initial Decision)

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

Dated at Rockville, Maryland
this 9th day of March, 2015