

August 1, 2011

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 October 4, 2010, the Board issued an order directing the Staff to submit monthly status reports specifying the Staff's best estimate of the issuance dates for draft and final documents associated with its review of Powertech's application. The Staff filed its last status report on July 1, 2011.

As noted in its last status report, on June 29, 2011 Powertech submitted revised responses to certain safety-related requests for additional information (RAIs). Following its standard procedures, the NRC's ADAMS Development and Document Processing (ADDP) Section finished entering Powertech's revised RAI response package into ADAMS on July 27, 2011. The revised RAI response package became publicly available in ADAMS earlier today.

In its last status report, the Staff estimated that it would issue the safety evaluation report (SER) for Powertech's application in February 2011. However, the Staff has previously noted that the SER issuance date may change due to factors such as the availability of personnel and other resources.¹ Those factors are relevant here. Due to prior commitments of personnel involved in the safety review of Powertech's application, the Staff will be unable to begin its review of Powertech's revised RAI response package prior to October 2011. Assuming the RAI response package is acceptable for detailed technical review, and applying its standard timeline for safety reviews, the Staff now estimates that it will issue the SER in June 2012.

Based on this revision to the estimated issuance date for the SER, the Staff is also revising its

¹ See, e.g., Staff's June 1, 2011 Status Report (ADAMS Accession No. ML111520590) at 1 ("The SER issuance date may need to be revised, however, based on factors such as the availability of personnel and other resources at the time Powertech's RAI responses are received.").

estimate of the issuance date for the Draft Supplemental Environmental Impact Statement (DSEIS). The Staff is making this revision because, before it can issue the DSEIS, the Staff will need to incorporate certain safety findings into that document.

Based on the revisions to the estimated issuance dates for the SER and DSEIS, the Staff is also revising the estimated issuance date for the Final SEIS (FSEIS). In addition, the Staff is providing the FSEIS issuance date as within a range of months, rather than within a single month. The Staff is taking this approach based on its review of its ongoing consultations under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) related to Powertech's application. The Staff believes that its revised estimate better reflects that the FSEIS issuance date depends in part on input from other governmental entities. As the Staff's NHPA and NEPA reviews progress, the Staff expects that it will be able to provide more specific information regarding the FSEIS issuance date.

Draft SEIS
August 2012

SER²
June 2012

Final SEIS
January 2013–May 2013

The Staff will provide updated estimates in its next status report, which it will file on September 1, 2011.

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

Michael J. Clark
Counsel for NRC Staff

² With this status report, the Staff is deleting the word "Final" before "SER." Although the Staff estimates that its safety review will be completed by June 2012, the SER will thereafter be updated to reflect any license conditions resulting from the Staff's environmental review. This is standard practice in SERs for uranium recovery applications. Accordingly, although the safety findings in the SER should be finalized by June 2012, the SER may not become final in all respects until the FSEIS is completed.

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: August 1, 2011
Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S STATUS REPORT" in this proceeding have been served via the Electronic Information Exchange (EIE) this 1st day of August 2011, which to the best of my knowledge resulted in transmittal of the copies to those on the EIE Service List for the above-captioned proceeding.

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

Michael J. Clark
Counsel for the NRC Staff