

**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))	Date: September 11, 2014
)	
)	
)	

**JOINT MOTION TO AMEND PROTECTIVE ORDER TO INCLUDE DOCUMENTS
TO BE DISCLOSED UNDER SEPTEMBER 10, 2014 LICENSING BOARD
ORDER**

In January, 2010, the Atomic Safety and Licensing Board (Licensing Board) issued a Protective Order and Non-Disclosure Agreement for the purposes of providing for non-disclosure of sensitive unclassified, non-safeguards information (SUNSI) related to historic and cultural resources. In an Order dated September 8, 2014, the Licensing Board ruled that certain data and documents identified in the Oglala Sioux Tribe’s (Tribe) Exhibit OST-019 and their motion dated August 16, 2014, should be disclosed immediately. As the aforementioned Protective Order does not address this data and documents, all parties jointly request that the Board modify the January, 2010 Protective Order and Non-Disclosure Agreement to include these identified data and documents.

The parties request that the following language or similar language be added to the Protective Order:

“This Protective Order shall also apply to borehole data and documents or other information ordered to be disclosed by the Licensing Board in its September 8, 2014 Order. Any and all copies or other duplicates of information in these data and documents

must be returned to Powertech no later than ten (10) days after the close of the administrative record for this proceeding.”

“In the event that copies or other duplicates of information in these data and documents are to be used in evidence in this proceeding or associated NRC-related legal proceedings, such copies or duplicates shall be returned to Powertech no later than ten (10) after exhaustion of all legal proceedings associated with this current administrative proceeding such as Commission or federal court appeals.”

“All references in the Non-Disclosure Affidavit to 'SUNSI' shall also refer to the borehole data and documents or other information ordered to be disclosed by the Licensing Board in its September 8, 2014 Order and it shall not be necessary for said Non-Disclosure Affidavit to be notarized provided it is signed by the person receiving the SUNSI or the borehole data and documents or other information ordered to be disclosed by the Licensing Board in its September 8, 2014 Order, as applicable.”

Powertech has consulted with all parties on this Motion and there were no objections.

Powertech also notes that it plans to effectuate disclosure of all aforementioned data and documents covered by the Protective Order, as well as all other non-confidential documents identified in the Licensing Board’s September 8, 2014 Order beginning Friday, September 12, 2014. CD copies of digitized data will be sent via overnight mail on that same day and electronic copies of other identified documents will be sent via electronic mail. If the Licensing Board wishes to have copies of non-confidential documents submitted via EIE, Powertech will be happy to provide them.

Respectfully Submitted,

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

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COUNSEL TO POWERTECH

Dated: September 11, 2014

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_____)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **“JOINT MOTION TO AMEND PROTECTIVE ORDER TO INCLUDE DOCUMENTS TO BE DISCLOSED UNDER SEPTEMBER 10, 2014 LICENSING BOARD ORDER”** in the above captioned proceeding have been served via the Electronic Information Exchange (EIE) this 11th day of September 2014, 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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