

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	)	
Facility)	)	

NOTIFICATION

Today the Nuclear Regulatory Commission Staff mailed the following individual, one of three attorneys representing the Oglala Sioux Tribe, copies of all Sensitive Unclassified Non-Safeguards Information (SUNSI) under Docket No. 40-9075-MLA pertaining to cultural resources or archeological artifacts:

Travis E. Stills  
Energy Minerals Law Center  
1911 Main Avenue, Suite 238  
Durango, CO 81301

The Staff sent this information to Mr. Stills by express mail. The information—binders containing hard copies of SUNSI and a compact disc containing non-SUNSI versions of cultural resources documents—is identical to the information the Staff sent the Tribe’s other attorneys by express mail on March 11, 2010.

On March 5, 2010, the Chief Administrative Judge issued a Protective Order Governing the Disclosure of SUNSI in this proceeding. Under that order, individuals granted access to SUNSI were required to file signed non-disclosure affidavits no later than March 8, 2010. Mr. Stills, however, did not file his affidavit until March 14, 2010. In a Notice accompanying his signed non-disclosure affidavit, Mr. Stills acknowledges that he did not file his affidavit until after the March 8, 2010 deadline. Mr. Stills also “represents that no extensions, deadlines, or special

consideration will be sought based on the date [his] Affidavit is filed.” Based on this representation, the Staff provided Mr. Stills the SUNSI pertaining to cultural resources, notwithstanding his late-filed affidavit.

The Staff’s understanding is that the deadline for the Oglala Sioux Tribe to submit a hearing request (including both SUNSI and non-SUNSI contentions) is April 6, 2010.<sup>1</sup> That deadline is 25 days from March 12, 2010, the date on which the Tribe’s other attorneys gained access to the SUNSI in this proceeding.

Respectfully submitted,

*/Signed (electronically) by/*

*Patricia A. Jehle*  
Patricia A. Jehle  
Counsel for the NRC Staff

*/Signed (electronically) by/*

*Michael J. Clark*  
Michael J. Clark  
Counsel for the NRC Staff

Dated at Rockville, Maryland  
this 15<sup>th</sup> day of March, 2010

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<sup>1</sup> The Staff’s understanding is based on paragraph 5 of the March 5, 2010 Order from the Secretary of the Commission, read together with paragraph 16 of the Chief Administrative Judge’s March 5, 2010 Protective Order.