

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair
Dr. Richard F. Cole
Dr. Kenneth L. Mossman

In the Matter of

STRATA ENERGY, INC.

(Ross In Situ Recovery Uranium Project)

Docket No. 40-9091-MLA

ASLBP No. 12-915-01-MLA-BD01

June 13, 2012

MEMORANDUM AND ORDER
(Revised General Schedule)

In a May 21, 2012 letter, the NRC staff advised the Licensing Board that the staff had revised its safety and environmental review schedule for this 10 C.F.R. Part 40 licensing proceeding so that the staff now anticipates that “the Draft Supplemental Environmental Impact Statement (SEIS) will be issued on January 10, 2013, the Final SEIS will be issued on November 4, 2013, and the final Safety Evaluation Report (SER) will be issued on December 4, 2013.” Letter from Michelle D. Albert, NRC Staff Counsel, to Licensing Board at 1 (May 21, 2012). By memorandum and order dated May 25, 2012, noting this staff scheduling revision as well as the contents of a publicly-available May 10, 2012 staff letter to applicant Strata Energy, Inc., (SEI) regarding, among other things, a “draft final” SER, as an aid in fashioning a revised general schedule for this proceeding, the Board requested clarification from the staff regarding the nature of, and schedule for, the staff’s “draft final” SER. See Licensing Board Memorandum and Order (Requesting Clarification Regarding NRC Staff’s Review Schedule) (May 25, 2012) at 2-3 (unpublished); see also Letter from John L. Saxon, Project Manager, Uranium Recovery

Licensing Branch, NRC Office of Federal and State Materials and Environmental Programs, to Mal James, SEI Chief Operating Officer, at 1 (May 10, 2012) (ADAMS Accession No. ML12130A149).

In its June 6, 2012 response to the Board's May 25 issuance, the staff indicated that while its plan not to release publicly a "draft" SER is unchanged,¹ upon further consideration the staff now believes that its "final" SER will be released publicly in February 2013 (rather than in December 2013 as was represented in its May 21 letter) and that the staff would promptly update its website to reflect this information. See Letter from Michelle D. Albert, NRC Staff Counsel, to Licensing Board at 1-2 & n.2 (June 6, 2012). A subsequent check of the agency's web page for this licensing proceeding indicates that the staff has specified February 28, 2013, as the date for completion of the final SER. See <http://www.nrc.gov/materials/uranium-recovery/license-apps/ross/ross-schedule.html> (last visited June 12, 2012).

As a consequence of the staff's May 25 and June 6 letters providing changes to the staff's environmental and safety review schedules for this licensing proceeding, the Board has

¹ The Board presumes that the staff will act in accord with the disclosure provisions of the Board's May 2, 2012 memorandum and order if it shares its "draft" SER (in whole or in part) with either applicant SEI or Joint Intervenor Natural Resources Defense Council/Powder River Basin Resource Council. See Licensing Board Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) at 2 & n.2 (unpublished).

revised the general schedule for this adjudicatory proceeding,² which is included as Appendix A to this issuance.

In accordance with 10 C.F.R. § 2.329(e), any objections to, or other comments regarding, this memorandum and order shall be filed within five days after it is served.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIR

Rockville, Maryland

June 13, 2012

² In response to a May 14, 2012 Board issuance, in a May 21 joint filing the parties advised the Board that none of them plans to submit a pre-draft SEIS dispositive motion. See Letter from Counsel for the Staff, SEI, and Joint Intervenors to Licensing Board at 1 (May 21, 2012); see also Licensing Board Memorandum and Order (Requesting Information Regarding Schedule for Possible Pre-[DEIS] Summary Disposition Motions) (May 14, 2012) at 2-3 (unpublished). Consequently, the revised general schedule included as Attachment A does not reflect any schedule for filing such summary disposition motions.

APPENDIX A

Dated: 6/13/2012

REVISED GENERAL SCHEDULE -- Strata Energy, Inc. (Ross In Situ Recovery Uranium Project) Proceeding

Event	Environmental Contentions	Safety Contentions
Licensing Board Order on Standing/Admissibility of Contentions	Feb. 10, 2012	Not Applicable (N/A)
Mandatory Disclosures and Staff Hearing File Due	Apr. 2, 2012	N/A
Draft Environmental Impact Statement Issued	Jan. 10, 2013	N/A
New/Amended Contention Motions Due	Feb. 11, 2013	N/A
Answers to New/Amended Contention Motions Due	Feb. 25, 2013	N/A
Replies to Answers re New/Amended Contention Motions Due	Mar. 4, 2013	N/A
Licensing Board Ruling on New/Amended Contention Admission	Apr. 3, 2013	N/A
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	Apr. 17, 2013	N/A
Summary Disposition Motions re Admitted Contentions Due ¹	Apr. 24, 2013	N/A
Responses Supporting Summary Disposition Motion Due ²	May 6, 2013	N/A
Responses Opposing Summary Disposition Motion Due	May 20, 2013	N/A
Licensing Board Ruling on Summary Disposition Motions	June 19, 2013	N/A
Final SER Issued		Feb. 28, 2013
Final EIS Availability Notice	Nov. 4, 2013	

¹ If no new/amended contentions are submitted or no new/amended contentions are admitted/approved, the summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions for new/amended contentions were due or were denied.

² If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within 20 days of the date of the dispositive motion.

Event	Environmental Contentions	Safety Contentions
New/Amended Contention Motions Due	Dec. 4, 2013	Apr. 1, 2013
Answers to New/Amended Contention Motions Due	Dec. 18, 2013	Apr. 15, 2013
Replies to Answers re New/Amended Contention Motions Due	Dec. 26, 2013	Apr. 22, 2013
Licensing Board Ruling on New/Amended Contention Admission	Jan. 27, 2014	May 22, 2013
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	Feb.10, 2014	June 5, 2013
Summary Disposition Motions re Admitted Contentions ³ /Motion to Invoke Subpart N Procedures Due	Feb. 18, 2014	June 12, 2013
Responses Supporting Summary Disposition Motion Due ⁴	Feb. 28, 2014	June 24, 2013
Responses Opposing Summary Disposition Motion Due	Mar. 14, 2014	July 8, 2013
Licensing Board Ruling on Summary Disposition Motions	Apr. 14, 2014	Aug. 7, 2013
Position Statements/Prefiled Direct Testimony Due	Apr. 21, 2014	Aug. 14, 2013
In Limine Motions on Prefiled Direct Testimony Due	Apr. 25, 2014	Aug. 19, 2013
In Limine Motion Responses Due	Apr. 30, 2014	Aug. 26, 2013
Licensing Board Ruling on In Limine Motions	May 5, 2014	Sept. 3, 2013
Direct Testimony Proposed Cross-Examination Questions/Requests for Cross-Examination Due	May 9, 2014	Sept. 9, 2013
Response Statements/Prefiled Rebuttal Testimony Due	May 14, 2014	Sept. 16, 2013
Responses to Requests for Cross-Examination Due	May 16, 2014	Sept. 16, 2013
In Limine Motions on Prefiled Rebuttal Testimony Due	May 19, 2014	Sept. 23, 2013

³ If no new/amended contentions are submitted or no new/amended contentions are admitted/approved, the summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions for new/amended contentions were due or were denied.

⁴ If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within 20 days of the date of the dispositive motion.

Event	Environmental Contentions	Safety Contentions
In Limine Motion Responses Due	May 27, 2014	Sept. 30, 2013
Licensing Board Ruling on In Limine Motions	June 2, 2014	Oct. 7, 2013
Rebuttal Testimony Proposed Cross-Examination Questions Due	June 6, 2014	Oct. 11, 2013
Evidentiary Hearing	June 17-20, 2014	Oct. 22-25, 2013
Proposed Findings of Fact/Conclusions of Law Due	July 21, 2014	Nov. 25, 2013
Reply Findings of Fact/Conclusions of Law Due	Aug. 4, 2014	Dec. 9, 2013
Licensing Board Initial Decision	Sept. 19, 2014	Jan. 24, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
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Strata Energy, Inc.)	Docket No. 40-9091-MLA
(Ross In Situ Recovery Uranium Project))	
)	
(Materials License Application))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Revised General Schedule)** have been served upon the following persons by Electronic Information Exchange.

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STRATA ENERGY, INC., Ross In Situ Recovery Uranium Project - Docket No. 40-9091-MLA
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[original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of June, 2012