

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Dr. Richard F. Cole
Dr. Craig M. White

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

April 4, 2014

MEMORANDUM AND ORDER

(Computation of Time for Filing 10 C.F.R. § 2.1213(a) Stay Application)

The information on the Nuclear Regulatory Commission's (NRC) public website regarding the review schedule for the Strata Energy, Inc., (SEI) application for a 10 C.F.R. Part 40 license authorizing SEI to construct and operate an in situ recovery uranium project at the Ross site indicates that the "target" date for issuance of that license by the NRC staff is Monday, April 7, 2014. See Application Review Schedule for Ross, <http://www.nrc.gov/materials/uranium-recovery/license-apps/ross/ross-schedule.html> (noting that this "target" date is "Based on Prior Completion of the Programmatic Agreement for the [Consultations under Section 106 of the National Historic Preservation Act] and a 3/07/14 Publication of the [Environmental Protection Agency Federal Register Notice] for Receipt of the [Supplemental Environmental Impact Statement]") (page last reviewed/updated Mar. 4, 2014) (page last visited Apr. 4, 2014). And in this regard, during a February 25, 2014 telephone prehearing conference, the Licensing Board raised with the parties the question of the timing of staff issuance of the license, in particular the staff notice of that action required under

10 C.F.R. § 2.1202(a), and the associated opportunity for Joint Intervenors* to apply for a stay of that staff action under section 2.1213(a). See Tr. at 250-56. Although the Board suggested that, given the short filing deadlines provided in section 2.1202 for the stay application and any responses, the parties might want to explore whether they could agree on an alternative filing schedule, see Tr. at 253-54, 256, the Board has heard nothing further in that regard.

As a consequence, at this point, should the staff issue the Ross license and provide the required section 2.1202(a) notice, the stay application filing and response times provided for in section 2.1213 will apply. The Board notes, however, that, consistent with the approach taken by some other federal agencies when a filing period is less than seven days, see, e.g., 47 C.F.R. § 1.4(g) (Federal Communications Commission), relative to computing the time for filing a stay application under section 2.1213(a) in this proceeding, the filing period of five days shall not include any non-business days, i.e., Saturday, Sunday, or a federal holiday. In taking this approach, we consider the fact that for a filing of this importance, the number of business days afforded the filer to prepare its submission should not depend on whether any

* Joint Intervenors are the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

non-business days occurring during the filing period fall at the beginning or the end of that period.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 4, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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 a **MEMORANDUM AND ORDER (Computation of Time for Filing 10 C.F.R. § 2.1213(a) Stay Application)** 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
MEMORANDUM AND ORDER (Computation of Time for Filing 10 C.F.R. § 2.1213(a) Stay Application)

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[Original signed by R.Giitter _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of April, 2014