

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 40-9091-MLA
)	
STRATA ENERGY, INC.,)	ASLBP No. 12-915-01-MLA-BD01
)	
(Ross In Situ Recovery Uranium Project))	April 7, 2014

**NATURAL RESOURCES DEFENSE COUNCIL AND POWDER RIVER BASIN
RESOURCE COUNCIL'S UNOPPOSED MOTION TO AMEND THE REVISED
GENERAL SCHEDULE IN THE MATTER OF STRATA ENERGY, INC.**

The Natural Resources Defense Council and Powder River Basin Resource Council (hereafter "Joint Intervenors"), by their undersigned counsel of record, hereby submit this Motion to Amend the November 6, 2013 Revised General Schedule to provide one additional week to prepare their Reply in support of their recently filed Motion to Migrate or Amend Contentions and to Admit New Contentions (Mar. 31, 2014). As set forth in the Revised General Schedule, Joint Intervenors' Reply in support of their motion is presently due one week after Strata Energy, Inc. ("Strata") and NRC Staff file their Answers to the motion. *See* Nov. 6, 2013 Revised General Schedule. By this motion Joint Intervenors seek a total of two weeks to prepare their Reply. Strata also seeks an extension, as discussed below. The reasons for this request are as follows:

1. On February 28, 2014, NRC Staff issued the final Final SEIS ("FSEIS") in this matter. In accordance with the Revised General Schedule, on March 31, 2014 Joint Intervenors filed their contentions regarding the FSEIS. The motion seeks to migrate or amend the four contentions that have previously been admitted into this proceeding, and to admit two new contentions. The migrated or amended contentions are supported by an extensive technical

declaration from Dr. Richard Abitz and Dr. Lance Larson, and the new contentions are also supported by an extensive declaration from Christopher Paine.

2. As in all prior junctures of this proceeding, NRC Staff and Strata will file separate Answers responding to the motion. Per the Board's recent ruling (*see* Mem. and Order of Mar. 4, 2014), each brief is permitted to treat each contention with up to ten (10) pages of argument. Accordingly, the Answer briefs may collectively be over 100 pages.¹

3. It would be extremely difficult to complete a Reply to the anticipated Answers within one week under any schedule, but the current schedule is particularly difficult because Joint Intervenors' Reply period falls during both the Passover and Easter holidays. An extension of one week will allow Joint Intervenors sufficient time to prepare a single, consolidated Reply to both Answers.

4. Joint Intervenors' counsel have conferred with counsel for NRC and Strata, neither of whom oppose this motion. However, in response to Joint Intervenors' request for more time, counsel for Strata has requested that Joint Intervenors include a further request that the Board extend the deadline for Strata's Answer to New/Amended Contentions (currently due April 14, 2014) by nine days, to April 23, 2014. Joint Intervenors have no objection to this

¹ Although Joint Intervenors do not yet know the contents of the responses, they are filing the motion now in anticipation of extensive responses, and in light of the Board's prior admonition that scheduling matters should be raised in a timely manner. *See* Mem. and Order of Aug. 16, 2013.

extension, but seek a one week extension for their Reply regardless of whether Strata's extension request is granted. Staff has indicated that it takes no position on Strata's request for more time.²

For the foregoing reasons, Joint Intervenors respectfully request that the Board grant their motion to amend the Revised General Schedule.

Respectfully submitted on this 7th day of April, 2014

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² In the event NRC Staff and Strata file Answers on different dates, Joint Intervenors respectfully request that their Reply deadline be two weeks from the later filing, to permit the submission of one consolidated Reply addressing both Answer briefs.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION TO AMEND THE REVISED GENERAL SCHEDULE in the above-captioned proceeding were served via the Electronic Information Exchange (EIE) on the 7th day of April 2014, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.

/signed (electronically) by Howard Crystal
Howard Crystal

Date: April 7, 2014