

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 8, 2014

MEMORANDUM AND ORDER
(Regarding Requests for Extension of Time)

By motion dated April 7, 2014, Joint Intervenors¹ have requested a seven-day extension of time within which to file their reply to the anticipated responses of applicant Strata Energy, Inc., (SEI) and the Nuclear Regulatory Commission (NRC) staff to their March 31, 2014 motion to migrate or amend contentions and to admit new contentions in response to the staff's February 28, 2014 final supplement to the agency's generic environmental impact statement (EIS) on in situ recovery (ISR) facilities. See [Joint Intervenors'] Unopposed Motion to Amend the Revised General Schedule in the Matter of Strata Energy, Inc. (Apr. 7, 2014) at 1-2. In their motion, Joint Intervenors also state that "counsel for [SEI] has requested that Joint Intervenors include a further request that the Board extend the deadline for [SEI]'s Answer to New/Amended Contentions (currently due April 14, 2014) by nine days, to April 23, 2014." Id. at 2. Therefore, relative to this particular motion, Joint Intervenors and SEI are requesting a schedule extension totaling sixteen days.

¹ Joint Intervenors are the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

Previously, the issue of a “seasonably appropriate” window for Licensing Board activities in the eastern Wyoming/western South Dakota-Nebraska area has been raised in this proceeding, as well as by other Licensing Boards dealing with ISR facility licensing proceedings. See Tr. at 215; see also Licensing Board Memorandum (Summarizing the February 12, 2014 Teleconference), Powertech USA, Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA (Feb. 20, 2014) at 3-4 (unpublished) (parties’ suggested mid-September hearing date is too late; given weather considerations, Board requests parties’ provide proposed schedule in which hearing is held not later than August); Powertech USA, Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, Tr. at 549-50, 574-76 (same). The time extension requested by Joint Intervenors and SEI in this instance would, in the Board’s estimation, push the hearing date out of that window for this proceeding.² As a consequence, if the Board grants the pending unopposed motion, rather than holding the proceeding in the Gillette/Sundance area as is now contemplated, see Tr. at 229-30, the evidentiary hearing in this proceeding will be convened in the Licensing Board Panel’s hearing room at NRC headquarters in Rockville, Maryland.³

² Originally, the Board had hoped to conduct the evidentiary hearing on Joint Intervenors’ admitted contentions during the summer 2014, but that became impossible because of slippage in the staff’s schedule for issuing its supplement to the agency’s generic EIS for ISR facilities. Compare Licensing Board Memorandum and Order (Prehearing Conference and Initial Scheduling Order) (Apr. 10, 2012) app. A, at 3 (evidentiary hearing scheduled for early June 2014) (unpublished), with Licensing Board Memorandum and Order (Revised General Schedule) (Nov. 6, 2013) app. A, at 2 (acting in response to fourth staff postponement of issuance date for its draft or final generic EIS supplement, evidentiary hearing scheduled for late September 2014).

³ To ensure that members of the public can view the evidentiary hearing, the hearing will be webstreamed. On the other hand, the evidentiary hearing venue change to the Board’s Rockville, Maryland hearing facility would mean that the Board would not conduct a site visit or a 10 C.F.R. § 2.315(a) oral limited appearance session. As the Board has indicated previously, however, written limited appearance statements can be submitted at any time. See, e.g., Licensing Board Memorandum and Order (Scheduling Initial Prehearing Conference;

(continued...)

Any party responses to Joint Intervenor's pending April 7 time extension motion or this issuance shall be filed on or before Friday, April 11, 2014.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 8, 2014

³(...continued)
Opportunity for Limited Appearance Statements) (Dec. 8, 2011) at 2-3 (unpublished).

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)	
(Materials License Application))	

CERTIFICATE OF SERVICE

I hereby certify that copies of a **MEMORANDUM AND ORDER (Regarding Requests for Extension of Time)** 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 (Regarding Requests for Extension of Time)

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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 8th day of April, 2014