

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 10, 2014

**NATURAL RESOURCES DEFENSE COUNCIL AND POWDER RIVER BASIN
RESOURCE COUNCIL'S RESPONSE TO THE BOARD'S
APRIL 8, 2014 MEMORANDUM AND ORDER**

The Natural Resources Defense Council and Powder River Basin Resource Council (hereafter "Joint Intervenors"), by their undersigned counsel of record, hereby responds to the Board's April 8, 2014 Memorandum Order as follows:

1. On March 31, 2014 Joint Intervenors filed a Motion to Migrate or Amend Contentions and to Admit New Contentions (Mar. 31, 2014). In light of the anticipated responses to the motion and the upcoming holidays, on April 7, 2014 Joint Intervenors filed an unopposed motion for a one week extension of time to file their Reply. Joint Int. Unopposed Mot. To Revise General Schedule (Apr. 7, 2014). As set forth in the Motion, Strata Energy, Inc. ("Strata") also seeks an extension of time for its Answer to the motion, until April 23, 2014, as to which Joint Intervenors have no objection. *Id.* at 2-3. Rather, Joint Intervenors have simply requested a full two weeks for their Reply regardless of other schedule adjustments. *Id.*

2. On April 8, 2014 the Board issued a Memorandum Order indicating that if the collective sixteen days extension requested were granted – *i.e.*, the nine additional days sought by Strata, and the seven days sought by Joint Intervenors – in the Board's view the hearing date

would need to change, and the hearing would need to be held in Washington, D.C. Apr. 8, 2014 Mem. and Order (“Apr. 8, 2014 Ord.”) at 2. The Board invited responses from the parties. *Id.*

3. On April 9, 2014 Strata responded to the Board’s Order. Strata Resp. to Board Apr. 8, 2014 Mem. and Order (Apr. 9, 2014) (“Strata Resp.”) Joint Intervenors take no position on the bases for the recommendations put forward by Strata in that response. However, consistent with their April 7, 2014 Motion, Joint Intervenors continue to have no objection to the extension sought by Strata, but seek two weeks total to prepare their Reply brief. The potential for a change in hearing date or venue raised in the Board’s April 8, 2014 Order does not alter Joint Intervenors’ views on those matters.

4. As regards the possibility of a changed venue, Joint Intervenors defer to the Board on whether a change of venue is necessary or appropriate. Nonetheless, with respect to the implications of a changed hearing venue to the possibility of a site visit, which the Board also raised (*see* Apr. 8, 2014 Ord. at 2 n.3), Intervenors reiterate the views they shared in their February 28, 2014 Notice Regarding Matters Raised During February 25, 2014 Telephonic Conference. As explained in that filing, while Joint Intervenors do not believe that the Board’s consideration of Intervenors’ contentions would be particularly furthered by a visit to the site of the proposed Ross ISL mining operation, they do not have any objection to a visit to another ISL mining operation if the Board concludes it would benefit from such a visit. *See* Feb. 28, 2014 Notice at 1.

5. Finally, as regards Strata’s suggestion that the parties meet and confer regarding adjustments to the schedule that would allow the requested extension while maintaining the current hearing date (Strata Resp. at 4), Joint Intervenors are concerned that the existing, tight schedule may make further adjustments difficult. In Joint Intervenors’ view, it would be

preferable to hold the hearing at a somewhat later date, and maintain the existing, already extremely tight intervals between deadlines (for example, only 7 days after the ASLB's ruling are allotted at the end of the summer for pre-filing direct testimony, an issue with which NRDC has concerns in terms of the availability of its experts as summer plans are made), rather than shorten other deadlines to maintain the existing hearing schedule, even if that may result in a change of hearing venue.

Respectfully submitted on this 10th day of April, 2014

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing RESPONSE TO BOARD MEMORANDUM AND ORDER OF APRIL 8, 2014 in the above-captioned proceeding were served via the Electronic Information Exchange (EIE) on the 10th 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 10, 2014