

April 11, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
STRATA ENERGY INC.)	Docket No. 40-9091-MLA
)	
(Ross <i>In Situ</i> Uranium Recovery)	ASLBP No. 12-915-01-MLA
Site))	

NRC STAFF RESPONSE TO BOARD ORDER
REGARDING REQUESTS FOR EXTENSION OF TIME

Pursuant to the Memorandum and Order (Regarding Requests for Extension of Time) issued by the Atomic Safety and Licensing Board (Board) on April 8, 2014, the U.S. Nuclear Regulatory Commission (NRC) staff (Staff) respectfully states the following:

1. On March 31, 2014, the Joint Intervenor¹ filed a motion to migrate or amend their admitted contentions and to admit two new contentions.² In accordance with the Board's scheduling order of November 6, 2014, the Staff and the Applicant, Strata Energy, Inc. (Strata), are required to file any response to Joint Intervenor's motion on or before April 14, 2014.³ On April 7, 2014, the Joint Intervenor filed an unopposed motion requesting a seven-day extension of time in which to file their reply to the anticipated responses of the Staff and Strata.⁴ As set forth in that motion, Strata also requested an extension of nine days, until April 23, 2014, in which to file their response.⁵

¹ The Joint Intervenor are, collectively, the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

² [NRDC and PRBRC's] Joint Motion to Migrate or Amend Contentions, and to Admit New Contentions in Response to Staff's Final Supplemental Draft Environmental Impact Statement (Mar. 31, 2014).

³ Memorandum and Order (Revised General Schedule) (Nov. 6, 2013) (unpublished), at Appendix A.

⁴ [NRDC and PRBRC's] Unopposed Motion to Amend the Revised General Schedule in the Matter of Strata Energy, Inc. (Apr. 7, 2014).

⁵ *Id.* at 2.

2. On April 9, 2014, the Board issued a Memorandum and Order (Regarding Requests for Extension of Time) (Apr. 8, 2014) (“Order”). In their Order, the Board notes that the grant of these schedule extensions, totaling sixteen days, would push the hearing date out of what had been suggested was the “seasonally appropriate” window for the evidentiary hearing and related activities. Order at 2. In that case, the Board stated, the evidentiary hearing would be convened in the Licensing Board Panel’s hearing room at NRC headquarters in Rockville, Maryland, and related activities, such as a site visit and an oral limited appearance session, would not take place. *Id.* The Board requested any responses to the parties’ extension requests or its Order be filed by April 11, 2014. *Id.* at 3.

3. The Staff does not oppose the extension requests sought by the Joint Intervenors and Strata. While the Staff would be willing to work with the parties to preserve the current evidentiary hearing date through adjustments to the existing hearing schedule, as suggested by Strata in its response to the Board’s Order,⁶ a delay in the evidentiary hearing date by up to sixteen days will not present any foreseeable issues for the Staff. The Staff will defer to the Board’s views as to the appropriate venue for the hearing and whether a visit to either the proposed Ross Project site or another *in-situ* uranium recovery (ISR) site should take place.

Respectfully submitted,

/Signed (electronically) by/

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Dated at Rockville, Maryland
this 11th day of April, 2014.

⁶ Strata Energy, Inc.’s Response to Atomic Safety and Licensing Board Panel’s April 8, 2014 Memorandum and Order Regarding Extensions of Time and Amendment of the General Schedule (Apr. 9, 2014), at 4.

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing "NRC STAFF RESPONSE TO BOARD ORDER REGARDING REQUESTS FOR EXTENSION OF TIME" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 11th day of April, 2014.

/Signed (electronically) by/

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Date of Signature: April 11, 2014