

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Richard F. Cole
Dr. Mark O. Barnett

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

November 26, 2014

ORDER

(Granting Unopposed Motion for Extension of Time and Clarifying Filing Dates)

On November 25, 2014, the Nuclear Regulatory Commission Staff (NRC Staff) and Powertech (USA) Inc. filed a joint motion¹ requesting that the Board extend the deadline for answers to the Oglala Sioux Tribe's motion to admit additional testimony and exhibits on Contention 3.² The current deadline is Monday, December 1, 2014. Powertech requests that the deadline be extended to Thursday, December 4, 2014. The NRC Staff seeks an extension until Tuesday, December 9, 2014. Counsel for the NRC Staff and Powertech state they contacted counsel for the other parties regarding this motion. They report that counsel for the Oglala Sioux Tribe and the Consolidated Intervenors do not object to the motion.³ For good cause shown, the Board hereby grants the joint motion for extension of time.

¹ Joint Motion for Extension of Time and Clarification of Filing Deadlines (Nov. 25, 2014) [hereinafter Joint Motion].

² Oglala Sioux Tribe Motion to Admit Additional Testimony and Exhibits (Nov. 21, 2014).

³ Joint Motion at 1.

In the Joint Motion the parties also requested clarification of whether the Board's November 13, 2014 order closing the evidentiary record on all contentions except Contention 3 triggered the 30-day deadline for legal briefs and proposed findings on those contentions.⁴ The parties requested "that the Board either (1) clarify that there will be a single filing schedule for all contentions and that the deadlines will begin to run when the Board closes the evidentiary record on Contention 3; or, if that is not the case, (2) consolidate the briefing so that the deadlines for all contentions are joined with the deadlines for Contention 3."⁵ Because of the upcoming holiday season, the travel schedule of counsel for the Oglala Sioux Tribe and the fact that the request is from all parties, the Board will consolidate the deadline for the filing of legal briefs and proposed findings of fact on Contentions 1A, 1B, 2, 4, 6, and 9 with the deadline for the filing of legal briefs and proposed findings of fact on Contention 3. However, if the evidentiary record on Contention 3 is not closed by early in the New Year, the Board will reinstitute a bifurcated schedule for the filing of legal briefs and proposed findings of fact.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 26, 2014

⁴ Id. The September 8, 2014 post-hearing order stated that the deadline for legal briefs and proposed findings of fact would be 30 days after it closed the evidentiary record on the contentions, with reply briefs due 20 days after the initial briefs. Post-Hearing Order (Sept. 8, 2014) at 20.

⁵ Joint Motion at 2.

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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Unopposed Motion for Extension of Time and Clarifying Filing Dates)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Rockville, Maryland
November 26, 2014