

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of: )

POWERTECH (USA), INC. )

(Dewey-Burdock In Situ Uranium Recovery )  
Facility) )  
\_\_\_\_\_ )

) Docket No.: 40-9075-MLA

) Date: March 31, 2010

**JOINT MOTION FOR EXTENSION OF TIME FOR LATE-FILED CONTENTIONS  
AND TO RESPOND TO REQUEST FOR A HEARING**

Powertech (USA), Inc. (Powertech), by its undersigned counsel of record, hereby submits this Joint Motion for Extension of Time for Late-Filed Contentions and to Respond to the Hearing Request of several petitioners (hereinafter “Petitioners) regarding Powertech’s license application for a new combined source and 11e.(2) byproduct material license to construct and operate an in situ leach uranium recovery (ISR) facility in Custer and Fall River Counties in the State of South Dakota (the “Dewey-Burdock ISR project”). On March 9, 2010, Petitioners filed a request for a hearing/petition to intervene (the “Request”) regarding the proposed Dewey-Burdock ISR project. Based on 10 CFR § 2.309(h)(1), both Powertech and NRC Staff are entitled to twenty five days to respond to such Request.

In addition, on March 12, 2010, NRC Staff sent a package of information from Powertech’s Dewey-Burdock license application related to historic and cultural resources on which Petitioners will be entitled to submit proposed late-filed contentions. Such package was delivered to the Petitioner’s postal mailbox on March 16, 2010. On March 25, 2010, NRC Staff

counsel contacted Petitioner's counsel concerning the new information, and Petitioner's counsel stated he had not received it at that time. On March 26, 2010, Petitioner's counsel notified the parties that the package had been received and would be shared with Petitioners' experts on Thursday, April 1, 2010. Petitioners are generally entitled to thirty days from the date new information becomes available to submit late-filed contentions. In order to provide clarity, the parties have agreed to the filing deadlines discussed below.

All parties have agreed on the following extensions of time: (1) Powertech and NRC Staff would be entitled to an extension of seven (7) days to respond to Petitioners Request thereby extending the current filing deadline of April 5, 2010, to April 12, 2010; (2) Petitioners will be entitled to submit late-filed contentions on the above-mentioned historic and cultural resource information by April 30 2010. The reasons for these requested extensions include the following: (1) the current filing deadline for responding to Petitioners' Request falls on the first day of the week immediately following Easter weekend and Passover during which certain Powertech and NRC employees or contractors involved in responding to Petitioners' Request will be on leave; (2) Petitioners' counsel requires sufficient time to consult with appropriate experts regarding the newly acquired historic and cultural resource information; and (3) Petitioners' expert will not be able to begin reviewing the new information until April 1, 2010. Based on the mutual agreement of all parties, Powertech respectfully submits this Joint Motion

on behalf of such parties and respectfully requests that the Licensing Board approve the above-listed adjustments to the current filing schedule.

Respectfully submitted,

**/Signed (electronically) by/  
Christopher S. Pugsley, Esq.**

Dated: March 31, 2010

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