

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
POWERTECH (USA) INC.,	)	Docket No. 40-9075-MLA
	)	
(Dewey-Burdock In Situ Uranium Recovery	)	
Facility)	)	

JOINT MOTION FOR EXTENSION OF TIME TO PROVIDE INITIAL DISCOVERY

On August 5, 2010, the Board issued its Memorandum and Order granting the hearing requests of the Consolidated Intervenors and the Oglala Sioux Tribe. Based on the date of the Board's Order, the parties must make their initial disclosures and claims of privilege no later than Tuesday, September 7, 2010. 10 C.F.R. §§ 2.336(a) and (b). In addition, the Nuclear Regulatory Commission (NRC) Staff must produce a hearing file by that same date. 10 C.F.R. § 2.1203.

The NRC Staff respectfully requests that the Board extend the deadline for initial disclosures, privilege claims, and production of the hearing file to Monday, September 13, 2010. The Staff seeks this extension based on the number of documents it will have to disclose, the difficulty in converting certain documents to formats suitable for inclusion in the hearing file, and the need for Staff to further review potentially privileged material. The Staff respectfully submits that these factors constitute good cause for a six-day extension of time.<sup>1</sup>

The Staff has contacted counsel for the other parties to obtain their views on this motion. Counsel for the Consolidated Intervenors and counsel for Powertech join the Staff's request to extend the deadline for initial disclosures and privilege claims to September 13, 2010. They

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<sup>1</sup> Where good cause exists, the Board may extend the time periods prescribed in the NRC's Rules of Practice. 10 C.F.R. § 2.307(a).

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also support the Staff's request to extend the deadline for production of the hearing file to September 13, 2010. At the time of this filing, the Oglala Sioux Tribe has not responded to the Staff's proposal.

*/Signed (electronically) by/  
Michael J. Clark*

Michael J. Clark  
Patricia A. Jehle  
Counsel for the NRC Staff

Dated at Rockville, Maryland  
this 2<sup>nd</sup> day of September, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
POWERTECH (USA) INC	)	Docket No. 40-9075-MLA
	)	ASLBP No. 10-898-02- MLA-BD01
	)	
(Dewey-Burdock In Situ Uranium Recovery	)	Date: September 2, 2010
Facility)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT MOTION FOR EXTENSION OF TIME TO PROVIDE INITIAL DISCOVERY" in this proceeding have been served via the Electronic Information Exchange (EIE) this 2<sup>nd</sup> day of September, 2010, which to the best of my knowledge resulted in transmittal of the copies to those on the EIE Service List for the above-captioned proceeding.

*/Signed (electronically) by/*

*Michael J. Clark*

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Michael J. Clark  
Counsel for the NRC Staff