

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair
Dr. Richard F. Cole
Dr. Kenneth L. Mossman

In the Matter of

STRATA ENERGY, INC.

(Ross In Situ Uranium Recovery Facility)

Docket No. 40-9091-MLA

ASLBP No. 12-915-01-MLA-BD01

December 8, 2011

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference;
Opportunity for Limited Appearance Statements)

Previously, the Licensing Board indicated that if it decided to conduct an initial prehearing conference to provide the participants with an opportunity to present oral argument regarding any disputes over the standing of the Joint Petitioners¹ or the admissibility of their five proffered contentions, it would do so on Tuesday, December 20, 2011 (a date arrived at with the agreement of the participants). See Licensing Board Memorandum and Order (Date for Initial Prehearing Conference) (Nov. 15, 2011) at 1 (unpublished). After reviewing the December 5, 2011 answers of applicant Strata Energy, Inc., and the NRC staff to Joint Petitioners' October 27, 2011 hearing request, the Board has concluded that such a proceeding would be beneficial. Accordingly, the initial prehearing conference for this proceeding is scheduled as follows:

¹ Joint Petitioners are the Natural Resources Defense Council and the Powder River Basin Resource Council.

Date: Tuesday, December 20, 2011

Starting Time: 9:00 a.m. Eastern Time

Location:² Atomic Safety and Licensing Board Panel Hearing Room
Room T-3B45
Third Floor, Two White Flint North Building
11545 Rockville Pike
Rockville, Maryland

In a subsequent issuance, the Licensing Board will provide the participants with additional logistical information associated with the conference, including oral argument time allocations.

With regard to the opportunity for members of the public to present limited appearance statements in accord with 10 C.F.R. § 2.315(a), the Board does not intend to conduct oral limited appearance sessions at this juncture. Nonetheless, any person not a petitioner to this proceeding that wishes to make a statement regarding the issues in the proceeding can do so in writing. Limited appearance statements, which are placed in the docket for the hearing, provide members of the public with an opportunity to make the Board and/or the participants aware of their concerns about matters at issue in the proceeding.

A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail to: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-1101 (verification (301) 415-1966)

² As the Licensing Board noted previously, it does plan to have this session webstreamed so it will be available to those in the vicinity of the proposed Ross in situ leach uranium recovery project site for viewing over the Internet (1) while the conference is ongoing; and (2) after the conference is concluded, via an archived recording. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 3, 2011) at 6 (unpublished).

E-mail to: hearingdocket@nrc.gov

In addition, a copy of the limited appearance statement should be sent to the Licensing Board Chair using the same method at the address/fax number below:

Mail to: Administrative Judge G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-5599 (verification (301) 415-7550)

E-mail to: paul.bollwerk@nrc.gov

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIR

Rockville, Maryland

December 8, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Strata Energy, Inc.) Docket No. 40-9091-MLA
(Ross In Situ Recovery Uranium Project))
)
(Materials License Application))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference; Opportunity for Limited Appearance Statements), dated December 8, 2011, have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

G. Paul Bollwerk, III, Chair
Administrative Judge
paul.bollwerk@nrc.gov

Dr. Richard F. Cole
Administrative Judge
richard.cole@nrc.gov

Dr. Kenneth L. Mossman
Administrative Judge
kenneth.mossman@nrc.gov

Anthony C. Eitrem, Esq.
Chief Counsel
ace1@nrc.gov
James Maltese, Law Clerk
james.maltese@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-7H4M
Washington, DC 20555-0001
OCAAMAIL@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Molly Barkman Marsh, Esq.
molly.barkmanmarsh@nrc.gov

Brett Klukan
brett.klukan@nrc.gov
Carrie Safford, Esq.
carrie.safford@nrc.gov
Catherine Scott, Esq.
clm@nrc.gov
OGC Mail Center:
OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

STRATA ENERGY, INC., Ross In Situ Recovery Uranium Project - Docket No. 40-9091-MLA
MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference; Opportunity
for Limited Appearance Statements)

Strata Energy, Inc.
Thompson & Pugsley, PLLC
1225 19th Street, NW, Suite 300
Washington, DC 20036
Christopher S. Pugsley, Esq.
cpugsley@athompsonlaw.com

Powder River Basin Resource Council
934 N. Main Street
Sheridan, WY 82801
Shannon Anderson, Esq.
sanderson@powderriverbasin.org

Natural Resource Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
Geoffrey H. Fettus, Esq.
Senior Project Attorney
gfettus@nrdc.org
Andres J. Restrepo, Esq.
Legal Fellow
arestrepo@nrdc.org

[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 8th day of December 2011