

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 Recovery Uranium Project)¹

Docket No. 40-9091-MLA

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

December 13, 2011

MEMORANDUM AND ORDER

(Initial Prehearing Conference Directives and Guidance)

Relative to the initial prehearing conference scheduled for Tuesday, December 20, 2011, the Licensing Board provides the participants with the following directives and guidance:

A. Argument Time Allocations and Associated Guidance on Presentations

The allocation of time for arguments by legal counsel in connection with the issues of the standing to intervene of Joint Petitioners² and the admissibility of their five proffered contentions is as follows:

1. Standing

Joint Petitioners -- 30 minutes (includes rebuttal)

Strata Energy, Inc., (SEI) and the NRC staff -- 15 minutes each

¹ With this issuance, the Licensing Board is amending the caption of this case to conform to that previously utilized by the Commission in this proceeding. See Commission Order (Sept. 13, 2011) at 1 (unpublished).

² Joint Petitioners are the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

2. Contentions (per contention)

Joint Petitioners -- 30 minutes (includes rebuttal)

SEI and the staff -- 15 minutes each³

At the beginning of the argument regarding standing and subsequently for each contention, Joint Petitioners will be asked to specify how much of their total allotted time they wish to reserve for rebuttal. Absent leave of the Board, only one counsel per participant will be permitted to make a presentation regarding the issue of standing or the question of the admissibility of any one contention.⁴

In making their arguments, the participants should bear in mind that the members of the Licensing Board will have read their pleadings. As such, they should focus their presentations on the critical points in controversy as those issues have emerged as a result of the various participant filings.⁵ Additionally, the participants are advised that at some point prior to the argument the Board may provide them with specific questions or areas of concern it wishes to have addressed during the argument.

³ As between an applicant and the staff, the normal order of presentation in an oral argument on standing and contention admissibility is for the applicant to proceed first, followed by the staff. In the case of Joint Petitioners' contentions 4 and 5, because the staff has opposed the admission of each contention only in part, SEI and the staff may wish to reverse this presentation order to provide SEI counsel with an opportunity to address any staff arguments supporting the admissibility of these two issue statements.

⁴ As the Board noted earlier, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 3, 2011) at 6 n.3 (unpublished), PRBRC counsel in Wyoming may participate in the argument via teleconference. To do so, counsel should contact Board law clerk James Maltese (301-415-5123 or james.maltese@nrc.gov) by no later than Noon Eastern Time (ET) on Thursday, December 15, 2011, so that arrangements can be made to provide counsel access to the proceeding via a telephone bridge connection.

⁵ Of course, a participant need not use the entire time allotted for its argument on a particular matter.

B. Webstreaming Information

As the Board noted previously, it plans to have this session webstreamed so it will be available to those in the vicinity of the proposed Ross in situ recovery uranium 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). The streamed video and audio of the proceeding can be accessed by going to www.visualwebcaster.com/event.asp?id=84165.

C. Inclement Weather Contingency

Given the time of year, it is also prudent to provide for the possibility that the proceeding may have to be delayed or canceled because of inclement weather in Rockville. To this end, on or before Noon ET on Thursday, December 15, 2011, each of the participants should provide Board law clerk James Maltese (whose contact information is set forth in footnote 4 above) with the name and appropriate contact information, including a phone number and e-mail address, of one individual whom the Board can contact during business or non-business hours in the event it needs to relay scheduling information to be passed along to others who might be attending the proceeding on behalf of that participant. Additionally, if the Board finds it needs to update scheduling information regarding the proceeding, it will make that information available to the public by placing a message on the Panel's message line, (800) 368-5642, extension 5036, or

(301) 415-5036, and, to the extent possible, by updating the agency's website at www.nrc.gov/public-involve/public-meetings/index.cfm.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIR

Rockville, Maryland

December 13, 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 (Initial Prehearing Conference Directives and Guidance), dated January 13, 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 (Initial Prehearing Conference Directives and Guidance)

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 13th day of January, 2011