

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

March 4, 2013

ORDER
(Granting Second Motion for Extensions of Time)

On March 1, 2013, Powertech USA, Inc. (Powertech) filed a motion for further extensions of time in the above-captioned matter.¹ Powertech seeks a five-day extension of time up to and including Monday, March 11, 2013, in which to file its answer to the Draft Supplemental Environmental Impact Statement (DSEIS)-related contentions filed by the Oglala Sioux Tribe and the Consolidated Intervenors.² The current deadline for filing answers to the DSEIS-related contentions is Wednesday, March 6, 2013.³ Powertech says it seeks an extension because “several intervening events have occurred that warrant an additional

¹ Joint Motion for Extension of Time for Responding to the Consolidated Intervenors’ and the Oglala Sioux Tribe’s New and Amended Contentions (Mar. 1, 2013) [hereinafter Second Motion for Extension].

² Both the Oglala Sioux Tribe and the Consolidated Intervenors filed DSEIS-related contentions on January 25, 2013. See List of Contentions of the Oglala Sioux Tribe Based on the Draft Supplemental Environmental Impact Statement (Jan. 25, 2013); Consolidated Intervenors’ New Contentions Based on DSEIS (Jan. 25, 2013).

³ See Order (Granting Joint Motion for Extensions of Time) (Feb.14, 2013); Order (Second Prehearing Conference Call Summary and Supplemental Initial Scheduling Order) (Oct. 16, 2012) at 3; 10 C.F.R. § 2.309(i)(1).

extension of time for Powertech, including but not limited to the need for Powertech['s] counsel to travel the day the filing is currently due for other business for a period of four days and the need to identify references for expert review in support of its position.”⁴

As required by 10 C.F.R. § 2.323(b), counsel for Powertech contacted counsel for the Oglala Sioux Tribe, the Consolidated Intervenor and the NRC Staff regarding this motion. Powertech represents that the NRC Staff supports the requested extension despite the fact that NRC Staff counsel informed Powertech that they will file on March 6, 2013.⁵ Powertech further represents that counsel for Consolidated Intervenor did not object to Powertech’s request and counsel for the Oglala Sioux Tribe did not object but requested a single filing date for the answers. Powertech and the NRC Staff concur.⁶

For good cause shown, the unopposed Second Motion for Extension is GRANTED. The filing date for answers to the DSEIS-related contentions is extended to March 11, 2013, and the deadline for reply briefs is extended to March 25, 2013.

It is so ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 4, 2013

⁴ Second Motion for Extension at 1-2.

⁵ The NRC Staff’s clarification letter filed March 1, 2013, indicates the NRC Staff supports Powertech’s request for an extension, as well as the Consolidated Intervenor’s request to move the deadline for responding to both Powertech’s and the NRC Staff’s answers to March 25, 2013.

⁶ Second Motion for Extension at 2.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
POWERTECH (USA) INC.) Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility)
Source Materials License Application))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Second Motion for Extensions of Time)** have been served upon the following persons by Electronic Information Exchange.

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

William J. Froehlich, Chair
Administrative Judge
william.froehlich@nrc.gov

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

Mark O. Barnett
Administrative Judge
mark.barnett@nrc.gov

Anthony C. Eitreim, Esq., Chief Counsel
ace1@nrc.gov

Nicole Picard, Law Clerk
nicole.picard@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001
OCA Mail Center
ocaamail@nrc.gov

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

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15 D21
Washington, DC 20555-0001
Mary Spencer, Esq.
mary.spencer@nrc.gov
Michael Clark, Esq.
michael.clark@nrc.gov
Brett Klukan, Esq.
brett.klukan@nrc.gov
Patricia Jehle, Esq.
patricia.jehle@nrc.gov
OGC Mail Center:
OGCMailCenter@nrc.gov

POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA
ORDER (Granting Second Motion for Extensions of Time)

Counsel for the Applicant (Powertech)
Thompson & Pugsley, PLLC
1225 19th Street, NW, Suite 300
Washington, DC 20036
Christopher Pugsley, Esq.
cpugsley@athompsonlaw.com
Cynthia L. Seaton, Paralegal
cseaton@athompsonlaw.com
Anthony J. Thompson, Esq.
ajthompson@athompsonlaw.com

Counsel for the Oglala Sioux Tribe
Western Mining Action Project
P. O. Box 349
Lyons, CO 80540
Jeffrey C. Parsons, Esq.
wmap@igc.org

Counsel for the Oglala Sioux Tribe
Energy & Conservation Law
1911 Main Avenue, Suite 238
Durango, CO 81301
Travis E. Stills, Esq.
stills@frontier.net

Counsel for the Oglala Sioux Tribe
Gonzalez Law Firm
522 Seventh Street, Suite 202
Rapid City, SD 57701
W. Cindy Gillis, Esq.
cindy@mariogonzalezlaw.com

Counsel for Consolidated Intervenor
(Susan Henderson and Dayton Hyde)
David Frankel, Esq.
P.O.B. 3014
Pine Ridge, SD 57770
arm.legal@gmail.com

Counsel for Consolidated Intervenor
(Susan Henderson and Dayton Hyde)
Law Office of Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709
Bruce Ellison, Esq.
belli4law@aol.com
Roxanne Andre, Paralegal
roxanneandre@yahoo.com

Counsel for Consolidated Intervenor
(Dayton Hyde)
Thomas J. Ballanco, Esq.
945 Traval Street, #186
San Francisco, CA 94116
harmonicengineering1@mac.com

Consolidated Intervenor
Aligning for Responsible Mining (ARM)
P.O.B. 3014
Pine Ridge, SD 57770
David Frankel, Esq., Legal Director
arm.legal@gmail.com

[Original signed by Clara Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of March 2013.