

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)

Docket No. 40-9091-MLA

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

April 12, 2013

MEMORANDUM AND ORDER
(Revised General Schedule)

Under the existing general schedule for this proceeding, the March 21, 2013 issuance of the NRC staff's draft supplemental environmental impact statement (SEIS) triggered the thirty-day period within which Joint Intervenors¹ can timely submit new/amended contentions relative to the draft SEIS, as well as the follow-on fourteen-day period for responses by applicant Strata Energy, Inc., (SEI) and the staff and the seven-day period for any reply by Joint Petitioners. See Licensing Board Memorandum and Order (Revised General Schedule) (Mar. 25, 2013) app. A, at 1 (unpublished) [hereinafter March 2013 Revised General Schedule]. By joint motion dated April 9, 2013, SEI, the staff, and Joint Petitioners have requested a revision of that schedule that would provide Joint Petitioners an additional fourteen days to submit any draft SEIS-related contentions and thereafter extends the filing deadline for SEI/staff responses and Joint Petitioners' reply by twenty-eight days and fourteen days, respectively.

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

See Joint Motion Requesting Amendment to the Board's General Schedule (Apr. 9, 2013) at 2 [hereinafter Joint Motion]. Also, using as a trigger date the Licensing Board's issuance of a decision on the admissibility of any new/amended contentions, the motion suggests new dates for the submission of mandatory disclosure updates and any dispositive motions and responsive pleadings, although the time frames allotted for these activities generally are consistent with periods provided for in the current general schedule. See id. According to the parties' joint motion, the requested schedule revisions relating to any draft SEIS-associated new/amended contentions are needed "to accommodate the emergence of significant work and family obligations for the parties over the entirety of the schedule . . . taking into account fairness to all parties, holidays, and other obligations."² Id. at 1.

Noting that the parties' agreed-upon schedule revisions will not impact the overall time frame within which this proceeding currently is scheduled to be conducted, the Board concludes that under the circumstances presented by the parties, good cause exists for the scheduling extensions being sought. See 10 C.F.R. § 2.307(a). Consequently, the parties' April 9, 2013

² The Board's current general schedule also provides for the filing of new/amended contentions relating to the staff's March 1, 2012 safety evaluation report (SER) for the proposed Ross in situ recovery facility and associated responsive pleadings. See March 2013 Revised General Schedule app. A, at 1-2. As the joint motion recognizes, however, Joint Petitioners did not file any new/amended issues contentions regarding the SER by the schedule-specified filing date. See Joint Motion at 1.

joint motion to revise this proceeding's general schedule is granted. Further, a revised version of the general schedule reflecting the new filing dates for the various submissions is included as Appendix A to this issuance.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 12, 2013

APPENDIX A

Dated: 04/12/2013

REVISED GENERAL SCHEDULE -- Strata Energy, Inc. (Ross In Situ Recovery Uranium Project) Proceeding

Event	Environmental Contentions	Safety Contentions
Licensing Board Order on Standing/Admissibility of Contentions	Feb. 10, 2012	Not Applicable (N/A)
Mandatory Disclosures and Staff Hearing File Due	Apr. 2, 2012	N/A
Draft Supplemental Environmental Impact Statement (SEIS) Issued	Mar. 21, 2013	N/A
New/Amended Contention Motions Due	May 6, 2013	N/A
Answers to New/Amended Contention Motions Due	June 3, 2013	N/A
Replies to Answers re New/Amended Contention Motions Due	June 17, 2013	N/A
Licensing Board Ruling on New/Amended Contention Admission	July 26, 2013	N/A
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	Aug. 5, 2013	N/A
Summary Disposition Motions re Admitted Contentions Due ¹	Aug. 12, 2013	N/A
Responses Supporting Summary Disposition Motion Due ²	Aug. 22, 2013	N/A
Responses Opposing Summary Disposition Motion Due	Sept. 6, 2013	N/A
Licensing Board Ruling on Summary Disposition Motions	Oct. 7, 2013	N/A
Final Safety Evaluation Report Issued		Mar. 1, 2013
Final SEIS Availability Notice	Nov. 4, 2013	

¹ If no new/amended contentions are submitted or no new/amended contentions are admitted/approved, the summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions for new/amended contentions were due or were denied.

² If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within 20 days of the date of the dispositive motion.

Event	Environmental Contentions	Safety Contentions
New/Amended Contention Motions Due	Dec. 4, 2013	Apr. 1, 2013
Answers to New/Amended Contention Motions Due	Dec. 18, 2013	N/A
Replies to Answers re New/Amended Contention Motions Due	Dec. 26, 2013	N/A
Licensing Board Ruling on New/Amended Contention Admission	Jan. 27, 2014	N/A
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	Feb. 10, 2014	N/A
Summary Disposition Motions re Admitted Contentions ³ /Motion to Invoke Subpart N Procedures Due	Feb. 18, 2014	N/A
Responses Supporting Summary Disposition Motion Due ⁴	Feb. 28, 2014	N/A
Responses Opposing Summary Disposition Motion Due	Mar. 14, 2014	N/A
Licensing Board Ruling on Summary Disposition Motions	Apr. 14, 2014	N/A
Position Statements/Prefiled Direct Testimony Due	Apr. 21, 2014	N/A
In Limine Motions on Prefiled Direct Testimony Due	Apr. 25, 2014	N/A
In Limine Motion Responses Due	Apr. 30, 2014	N/A
Licensing Board Ruling on In Limine Motions	May 5, 2014	N/A
Direct Testimony Proposed Cross-Examination Questions/Requests for Cross-Examination Due	May 9, 2014	N/A
Response Statements/Prefiled Rebuttal Testimony Due	May 14, 2014	N/A
Responses to Requests for Cross-Examination Due	May 16, 2014	N/A
In Limine Motions on Prefiled Rebuttal Testimony Due	May 19, 2014	N/A

³ If no new/amended contentions are submitted or no new/amended contentions are admitted/approved, the summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions for new/amended contentions were due or were denied.

⁴ If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within 20 days of the date of the dispositive motion.

Event	Environmental Contentions	Safety Contentions
In Limine Motion Responses Due	May 27, 2014	N/A
Licensing Board Ruling on In Limine Motions	June 2, 2014	N/A
Rebuttal Testimony Proposed Cross-Examination Questions Due	June 6, 2014	N/A
Evidentiary Hearing	June 17–20, 2014	N/A
Proposed Findings of Fact/Conclusions of Law Due	July 21, 2014	N/A
Reply Findings of Fact/Conclusions of Law Due	Aug. 4, 2014	N/A
Licensing Board Initial Decision	Sept. 19, 2014	N/A

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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 (Revised General Schedule)** have been served upon the following persons by Electronic Information Exchange.

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STRATA ENERGY, INC., Ross In Situ Recovery Uranium Project, Docket No. 40-9091-MLA
MEMORANDUM AND ORDER (Revised General Schedule)

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[Original signed by Herald M. Speiser]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of April, 2013