

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
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

May 8, 2013

MEMORANDUM AND ORDER
(Granting Late-Filed Request to Exceed Page Limit)

In response to the NRC staff's March 21, 2013 issuance of a draft supplemental environmental impact statement (DSEIS) for the proposed Ross in situ recovery facility, on May 6 Joint Intervenors* submitted a twenty-four page motion seeking to amend their four existing contentions and to gain the admission of a new contention. See [Joint Intervenors] Joint Motion to Resubmit Contentions & Admit One New Contention in Response to Staff's [DSEIS] (May 6, 2013). Accompanying this pleading was another motion requesting that their new/amended contentions filing be allowed to exceed the ten-page limit on motions established by the Licensing Board in its November 2011 initial prehearing order. See [Joint Intervenors] Joint Motion for Leave to File Excess Pages in Their Motion for New/Amended Contentions Filed Concurrently with This Motion (May 6, 2013) [hereinafter Page Limit Motion]; see also

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

Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 3, 2011) at 3 & n.1 (unpublished) [hereinafter Initial Prehearing Order].

In their motion to exceed the page limit, Joint Intervenors assert that good cause exists for allowing one filing of twenty-four pages because this would be more efficient than multiple filings, one for each of their five new/amended contentions. See Page Limit Motion at 1. Also, acknowledging that they neglected to comply with another of the terms of the Board's initial prehearing order stating that motions to exceed the ten-page limit are to be submitted three business days prior to the date upon which the pleading in question is due, see Initial Prehearing Order at 3, Joint Intervenors assert that their failure to submit a timely page limit extension motion was due to the oversight of not reexamining the terms of the Board's initial prehearing order until after the deadline for submitting a timely extension motion had passed. See Page Limit Motion at 1. Finally, Joint Intervenors note that applicant Strata Energy, Inc., and the staff, the other parties to this proceeding, do not oppose their page limit extension request. See id. at 2.

Given the circumstances outlined in Joint Intervenors' unopposed motion to exceed the page limit, good cause exists for accepting out of time their motion to exceed the page limit and for extending the page limit relative to their May 6 motion to admit new/amended contentions. Accordingly, (1) Joint Intervenors are granted leave to file out of time their May 6, 2013 motion to exceed the page limit; and (2) their May 6 motion to exceed the page limit is granted in that

the page limit for their May 6, 2013 motion to admit new/amended contentions is extended to twenty-five pages.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 8, 2013

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Strata Energy, Inc.) Docket No. 40-9091-MLA
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)
(Materials License Application))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Granting Late-Filed Request to Exceed Page Limit)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Herald M. Speiser]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 8th day of May, 2013