

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

August 7, 2013

MEMORANDUM AND ORDER

(Suspending Schedule for Submitting Dispositive Motions
Regarding Environmental Contention 4/5A)

Pending before the Licensing Board is Joint Intervenors'¹ August 5, 2013 motion for reconsideration of the Board's July 26, 2013 ruling in LBP-13-10, 78 NRC __ (July 26, 2013), regarding environmental contention 4/5A or, alternatively, to file an amended contention. See [Joint Intervenors'] Motion for Leave to Request Partial Reconsideration of the Board's Memorandum and Order of July 26, 2013, or, Alternatively, to File Amended Contention (Aug. 5, 2013). In light of this motion, the deadline for submitting any dispositive motions concerning environmental contention 4/5A is suspended pending the resolution of Joint Intervenors' motion for reconsideration/to amend.

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

In accord with the current general schedule for the proceeding, any dispositive motions regarding admitted environmental contentions 1, 2, or 3 are due on or before Monday, August 12, 2013.²

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD
/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 7, 2013

² While establishing August 12, 2013, as the date for filing any post-draft supplemental environmental impact statement dispositive motions regarding any admitted contentions, the Board's April 2013 general schedule also indicated that "[i]f 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." Licensing Board Memorandum and Order (Revised General Schedule) (Apr. 12, 2013) app. A, at 1 & n.1 (unpublished). Although the Board's July 26, 2013 decision arguably triggered this alternative filing schedule, given the unusual nature of Joint Intervenors' "resubmission" request regarding environmental contentions 1, 2, 3, and 4/5A, see LBP-13-10, 78 NRC at __ & n.11 (slip op. at 10-11 & n.11) and the possibility of a reconsideration request regarding our July 26 rulings, we will treat as timely any dispositive motions regarding environmental contentions 1, 2, or 3 that are filed on or before August 12, 2013.

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 (Suspending Schedule for Submitting Dispositive Motions Regarding Environmental Contention 4/5A)** 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

James Maltese, Law Clerk
james.maltese@nrc.gov

Nicole Picard, Law Clerk
nicole.picard@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.
Brett Klukan, Esq.
Carrie Safford, Esq.
Emily Monteith, Esq.
Mary Spencer, Esq.
Sabrina Allen, Paralegal
molly.barkmanmarsh@nrc.gov
brett.klukan@nrc.gov
carrie.safford@nrc.gov
emily.monteith@nrc.gov
mary.spencer@nrc.gov
sabrina.allen@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 (Suspending Schedule for Submitting Dispositive Motions
Regarding Environmental Contention 4/5A)**

Strata Energy, Inc.
Thompson & Pugsley, PLLC
1225 19th Street, NW, Suite 300
Washington, DC 20036
Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
Alison Bimba, Legal Assistant
Cindy Seaton, Paralegal
ajthompson@athompsonlaw.com
cpugsley@athompsonlaw.com
abimba@athompsonlaw.com
cseaton@thompsonlaw.com

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

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

Natural Resources Defense Council
Powder River Basin Resource Council
1601 Connecticut Avenue, N.W.
Washington, DC 20009
Howard Crystal, Esq.
hcrystal@meyerglitz.com

[Original signed by Herald M. Speiser]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 7th day of August, 2013