

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. Craig M. White

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

October 23, 2013

MEMORANDUM AND ORDER

(Ruling on Time Extension Motion and
Setting Schedule for Responses to Objection to
Licensing Board's October 7, 2013 Revised General Schedule)

Pending before the Licensing Board are two filings submitted by applicant Strata Energy, Inc., (SEI): an October 21, 2013 motion for a one-day extension of time to submit an objection to the Board's October 7, 2013 revised general schedule, and an October 22, 2013 pleading in which SEI objects to the October 7 revised general schedule to the degree that schedule no longer provides for the filing of post-final supplemental environmental impact statement (SEIS) dispositive motions. See [SEI's] Motion for Extension of Time to Respond to Licensing Board's 2013 General Order Regarding Government Shutdown and Affected Filing Deadlines (Oct. 21, 2013) [hereinafter SEI Extension Motion]; [SEI's] Objection to Licensing Board's October 7, 2013 Determination Not to Permit Summary Disposition Motions (Oct. 22, 2013); see also Licensing Board Memorandum and Order (Revised General Schedule) (Oct. 7, 2013) (unpublished).

Regarding SEI's time extension motion, to which there is no objection from the NRC staff or Joint Intervenor¹, while the motion does not conform to our previous directive that time extension motions should be filed three business days before the due date at issue, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 3, 2011) at 4 (unpublished), given the unusual circumstances surrounding the agency's shutdown due to a lack of funding that interrupted the filing schedule for objections to/comments on the Board's October 7 revised general schedule, we grant the motion.²

Relative to SEI's objection to the provisions of the Board's October 7 revised general schedule, the staff and Joint Intervenor¹ shall have up to and including Tuesday, October 29, 2013, within which to file a response to SEI's objection.³

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 23, 2013

¹ Joint Intervenor¹ are the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

² Although SEI's time extension motion characterizes as "Licensing Board" issuances the notices that suspended, on a day-for-day basis, any extant filing deadlines in this and the other listed agency adjudications during the period agency operations were suspended because of the funding shortfall, see SEI Extension Motion at 1, those notices in fact were issued by the Commission, see Commission Notice (Oct. 10, 2013); Commission Notice (Oct. 17, 2013).

³ The Board requests that in its response, the staff indicate whether it currently anticipates that the one-week agency shutdown will impact the staff's existing schedule for issuing its final SEIS by January 31, 2014, and, if so, what that impact will be.

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)	
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 **MEMORANDUM AND ORDER (Ruling on Time Extension Motion and Setting Schedule for Responses to Objection to Licensing Board's October 7, 2013 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
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[Original signed by Brian Newell]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 23rd day of October, 2013