

February 18, 2014

William J. Froehlich, Chair
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark O. Barnett
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
POWERTECH (USA) INC.,
Docket No. 40-9075-MLA; ASLBP No. 10-898-02-MLA-BD01

Dear Administrative Judges:

On February 14, 2014, the parties submitted revisions to their proposed schedule for the hearing. When the parties submitted these revisions, they were still consulting on the timing and form of prehearing motions. The parties have continued to consult on these issues and wish to update the Board.

The parties agree that motions and answers to motions should be in writing. The parties also agree that there needs to be enough time between the Board's rulings on motions and the start of the oral hearing for the parties to respond to the Board's rulings. For example, if the Board grants a motion for cross-examination, certain witnesses will have to prepare for the cross-examination portion of the hearing. If the Board grants a motion to strike, certain witnesses may not need to appear at the oral hearing.

Under the parties' current proposal, answering position statements and testimony would be due July 15, 2014. If the parties are given 10 days to file prehearing motions and 7 days to file answers,¹ briefing would be complete on Friday, August 1, 2014. Even if the Board ruled on the motions fairly quickly, the parties would likely have less than a week to respond to the Board's rulings and prepare their witnesses in light of those rulings. In that case, August 18 might be the earliest realistic start for the hearing.

The parties understand that the Board originally proposed a hearing in late July and that, during the recent teleconference, the Board directed the parties to come up with alternative hearing dates in July or early August. If the Board finds that a hearing the week of August 18–22, 2014 is too late, the parties would be interested in a follow-up teleconference to discuss how to expedite prehearing motions. The teleconference could perhaps be merged with a discussion of other issues, such as whether the existing protective order should be amended, once the Board rules on new or amended contentions.

Sincerely,
***/Signed (electronically) by/
Michael Clark***

Michael Clark
Counsel for NRC Staff

¹ The default periods are 10 days for motions and 10 days for answers. 10 C.F.R. §2.323(a)(2), (c).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWERTECH (USA) INC)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02- MLA-BD01
)	
(Dewey-Burdock In Situ Uranium Recovery)	Date: February 18, 2014
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (revised), I certify that copies of the "UPDATE TO PROPOSED SCHEDULING ORDER" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E- Filing System, in this proceeding today, February 18, 2014.

***/Signed (electronically) by/
Michael J. Clark***

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Date of Signature: February 18, 2014