

November 25, 2014

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)	
Facility))	

**JOINT MOTION FOR EXTENSION OF TIME AND
CLARIFICATION OF FILING DEADLINES**

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), the Nuclear Regulatory Commission (NRC) Staff and Powertech (USA) Inc. request that the Board extend the deadline for answers to the Oglala Sioux Tribe's motion to admit additional testimony and exhibits on Contention 3.¹ The current deadline is Monday, December 1, 2014. Powertech requests that the deadline be extended to Thursday, December 4, 2014 due to the Thanksgiving holiday and its need to respond to the Tribe's new contentions on December 2, 2014. The Staff seeks an extension until Tuesday, December 9, 2014. The Staff seeks this extension because several of its technical reviewers are on previously scheduled leave for much of this week. In addition, one of the Staff's main witnesses will be unavailable for much of next week as he attends a National Environmental Policy Act scoping meeting in Madison, Indiana.

Counsel for the Staff and Powertech contacted counsel for the other parties regarding this motion. Counsel for the Oglala Sioux Tribe and the Consolidated Intervenors stated that they do not object to the motion. Counsel for the Tribe also raised a related issue concerning whether the Board's November 13, 2014 order closing the evidentiary record on all contentions except Contention 3 triggered the 30-day deadline for legal briefs and proposed findings on

¹Oglala Sioux Tribe Motion to Admit Additional Testimony and Exhibits (November 21, 2014).

those contentions.² The Tribe's counsel stated that he will be on travel outside the United States from December 20, 2014 through January 4, 2015. Accordingly, if the deadline for legal briefs on Contentions 1A, 1B, 2, 4, 6, and 9 is December 13, 2014, the Tribe's counsel will be unavailable for most of the period allotted for reply briefs, as well as the filing date, which would be January 2, 2015.

Based on the unavailability of the Tribe's counsel between December 20, 2014 and January 4, 2015, the parties respectfully request that the Board either (1) clarify that there will be a single filing schedule for all contentions and that the deadlines will begin to run when the Board closes the evidentiary record on Contention 3; or, if that is not the case, (2) consolidate the briefing so that the deadlines for all contentions are joined with the deadlines for Contention 3. The Board's clarification on this issue will greatly assist the parties as they schedule work around the upcoming holiday season.

Respectfully submitted,

/Signed (electronically) by/
Michael J. Clark

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Date of Signature: November 25, 2014

Dated at Rockville, Maryland
This 25th day of November 2014

² In its September 8, 2014 post-hearing order, the Board stated that the deadline for legal briefs and proposed findings of fact would be 30 days after it closed the evidentiary record on the contentions, with reply briefs due 20 days after the initial briefs. Post-Hearing Order (September 8, 2014) at 20.

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that counsel for the NRC Staff served copies of the Joint Motion for Extension of Time and Clarification of Filing Deadlines via the NRC's Electronic Information Exchange (EIE) on November 25, 2014. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its motion by electronic mail, also on November 25, 2014.

***/Signed (electronically) by/
Patricia A. Jehle***

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