

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Mark O. Barnett
G. Paul Bollwerk, III

In the Matter of POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

August 8, 2017

ORDER

(Granting Motion for Extension of Time)

On August 7, 2017, the Oglala Sioux Tribe filed an Unopposed Motion for Extension of Time to Submit Responses to NRC Staff's Motion for Summary Disposition.¹ The motion seeks an extension of time up to and including Friday, September 1, 2017 for all parties to submit responses to the Motion for Summary Disposition filed by NRC Staff on August 3, 2017.²

Under the Commission's regulations, the current deadline for filing any response supporting or opposing NRC Staff's Motion for Summary Disposition is twenty (20) days from August 3, 2017, i.e., on August 23, 2017.³ In its motion, the Oglala Sioux Tribe explained that an extension is requested due to the following conflicts of counsel to this proceeding: (1) an out

¹ Unopposed Motion for Extension of Time to Submit Responses to NRC Staff's Motion for Summary Disposition (Aug. 7, 2017) [hereinafter Unopposed Motion].

² NRC Staff's Motion for Summary Disposition of Contentions 1A and 1B (Aug. 3, 2017).

³ 10 C.F.R. § 2.1205(b).

of town family vacation (Counsel Parsons);⁴ (2) an oral argument on cross-motions for summary judgment in another case in the Arizona federal District in Phoenix (Counsel Parsons);⁵ (3) a death in the family impacting major briefs due in the Colorado federal District Court (Counsel Stills);⁶ and (4) significant out of town travel (Counsel Pugsley).⁷ The motion further indicates that the Oglala Sioux Tribe expects to coordinate in some fashion with the Consolidated Intervenors.⁸ The Oglala Sioux Tribe requests an extension of time for all parties until September 1, 2017 in which to file responses to NRC Staff's Motion for Summary Disposition.

For good cause shown, the Board hereby grants the Unopposed Motion for Extension of Time to Submit Responses to NRC Staff's Motion for Summary Disposition. All responses to the NRC Staff's Motion for Summary Disposition of Contentions 1A and 1B are due September 1, 2017.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁹

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 8, 2017

⁴ Unopposed Motion at 1.

⁵ Id. at 1-2.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Copies of this order were sent this date by the agency's E-Filing system to the counsel/representatives for (1) Consolidated Intervenors; (2) the Oglala Sioux Tribe; (3) the NRC Staff; and (4) Powertech USA, Inc.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
POWERTECH (USA) INC.) Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Motion for Extension of Time)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA

ORDER (Granting Motion for Extension of Time)

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[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 8th day of August, 2017