

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
July 11, 2018

ORDER

(Suspending Deadline to File Motions for Summary Disposition)

On July 2, 2018, the NRC Staff informed the Oglala Sioux Tribe that it was discontinuing its efforts to implement the March 2018 approach.¹ This event arguably triggered the requirement under 10 C.F.R. § 2.323(a) that any motion “be made no later than ten (10) days after the occurrence or circumstances from which the motion arises.”² This would require that any motion that arises from the NRC Staff’s decision to discontinue its efforts be filed with the Board by July 12, 2018. However, on July 5, 2018, the NRC Staff filed a motion with the Licensing Board to set a deadline different from the ten-day deadline set by section 2.323 for filing summary disposition motions to resolve Contention 1A.³ Before ruling on the NRC Staff’s

¹ Letter from Cinthya I. Román, Chief, Environmental Review Branch, to Kyle White, Interim Director, Oglala Sioux Tribe Natural Resources Regulatory Agency, Oglala Sioux Tribe at 2 (July 2, 2018) (ADAMS Accession No. ML18183A304).

² 10 C.F.R. § 2.323(a).

³ Motion to Set Filing Deadline for Summary Disposition Motions (July 5, 2018) (ADAMS Accession No. ML18186A684) [hereinafter NRC Staff July 5 Motion].

July 5 motion, the other parties, Powertech (USA), Inc., the Oglala Sioux Tribe, and the Consolidated Intervenors, have an opportunity to respond by July 16, 2018.⁴

We therefore suspend the deadline for any dispositive motions based on the NRC Staff's decision to discontinue its efforts to implement the March 2018 approach until the Board rules on the NRC Staff's July 5 motion and sets any additional schedules relative to Contention 1A.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 11, 2018

⁴ 10 C.F.R. § 2.323(c). In its motion, the NRC Staff represented that the Oglala Sioux Tribe indicated that it would need more time to provide its position on the motion and therefore reserved the right to file in opposition. See NRC Staff July 5 Motion at 2.

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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Suspending Deadline to File Motions for Summary Disposition)** 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 (Suspending Deadline to File Motions for Summary Disposition)

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

Dated at Rockville, Maryland
this 11th day of July, 2018