

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

Docket No. 40-9075-MLA

ORDER

Powertech (USA), Inc. (Powertech) has requested that the Commission take judicial notice of summary disposition proceedings before the Atomic Safety and Licensing Board. Based on the pendency of these Board proceedings and the possible outcomes thereof, Powertech also requests that the Commission delay the schedule for filings in response to the Secretary's order of August 30, 2018, which directed the parties to provide their views as to how the agency should respond to the remand issued by the U.S. Court of Appeals for the District of Columbia Circuit in *Oglala Sioux Tribe v. NRC*, 896 F.3d 520 (D.C. Cir. 2018).

Powertech's requests are denied. The deadlines were established with knowledge that the responses to the August 30 order would be filed while summary disposition proceedings were pending. Accordingly, the pendency of these motions does not constitute good cause to extend the deadlines, and there is no need to take judicial notice of them.

This order is issued pursuant to my authority under 10 C.F.R. § 2.346(b), (j).

IT IS SO ORDERED.

For the Commission

NRC SEAL

/RA/

Rochelle C. Bavor
Acting Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of September, 2018.

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NUCLEAR REGULATORY COMMISSION

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(Dewey-Burdock In Situ Recovery Facility))
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER OF THE SECRETARY** 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 OF THE SECRETARY

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[Original signed by Herald M. Speiser _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of September, 2018