

April 17, 2019

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
)	
(Dewey-Burdock In Situ Uranium Recovery Facility))	ASLBP No. 10-898-02-MLA-BD01

NRC STAFF RESPONSE TO THE BOARD'S APRIL 5, 2019 ORDER

On April 5, 2019, the Atomic Safety and Licensing Board (Board) issued an Order in response to the Nuclear Regulatory Commission (NRC) Staff's motion to set a schedule for an evidentiary hearing. The Order proposed a hearing schedule and requested answers to two questions related to that schedule posed by the Board.¹ The NRC Staff offers the following responses.

Question 1: The NRC Staff does not object to the dates in the revised proposed schedule in the Board's April 15, 2019 Order. However, the NRC Staff notes that if the hearing is held the week of August 5, 2019, there may be practical challenges to securing venues and accommodations in Rapid City, as the Sturgis Motorcycle Rally will be taking place from Friday, August 2, through Sunday, August 11, 2019. To avoid overlap with the event, the Board may wish to consider scheduling the hearing for the week of August 19, 2019. The NRC Staff would have no objection to that alternative date.

¹ The Board's April 5, 2019 Order also gave the NRC Staff an opportunity to respond to the Board's questions. The Board subsequently issued an Order on April 12, 2019, which extended the response deadline for all parties to April 17, 2019; and another Order on April 15, 2019, which proposed a revised schedule for hearing in light of the extension granted.

Question 2: With respect to a specific opportunity for in limine motions, the NRC Staff does not object to the structure of the Board's proposed schedule.

Respectfully submitted,

***/Signed (electronically) by/
Lorraine Baer***

Lorraine Baer
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 17th day of April, 2019

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the “NRC Staff Response to the Board’s April 5, 2019 Order” in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC’s E-Filing System, this 17th day of April, 2019. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its motion by electronic mail, also on April 17, 2019.

***/Signed (electronically) by/
Lorraine Baer***

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