

May 9, 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) )

UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), the NRC Staff files this unopposed motion to extend by two business days the July 12, 2019, deadline for the NRC Staff's reply position statement and prefiled reply testimony. The revised deadline would be July 16, 2019.

In its Order dated April 29, 2019, the Board established the schedule for the evidentiary hearing.<sup>1</sup> The Board's prior version of the hearing schedule had proposed June 14 as the deadline for filings opposing the NRC Staff's prefiled direct testimony and June 28 as the deadline for the NRC Staff's reply.<sup>2</sup> After the Oglala Sioux Tribe expressed concerns regarding counsel's availability in June, the Board subsequently revised those two deadlines to June 28 and July 12, respectively.<sup>3</sup> The resulting deadline for the NRC Staff's reply maintains the prior schedule's two calendar weeks for the NRC Staff to prepare its reply. However, that period now encompasses the federal holiday on July 4. To account for the associated limitations on the availability of NRC Staff counsel and witnesses that week, the NRC Staff seeks a brief

---

<sup>1</sup> See Licensing Board Order (Granting NRC Staff Motion and Scheduling Evidentiary Hearing), at 7 (Appendix A) (Apr. 29, 2019) ("April 29 Order").

<sup>2</sup> See Licensing Board Order (Scheduling Fourth Telephonic Conference Call), at 4 (Appendix A) (Apr. 19, 2019).

<sup>3</sup> See Tr. at 1656-57 (Teleconference, April 23, 2019); April 29 Order at Appendix A.

extension of two business days for its reply, to July 16, 2019. This brief extension would not necessitate alteration of any of the subsequent deadlines in the hearing schedule.

Counsel for the NRC Staff has contacted counsel for the other parties regarding this motion, and all indicated that they did not oppose the motion.

Respectfully submitted,

**Executed in Accord with 10 CFR 2.304(d)**

Robert Carpenter  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-14 A44  
Washington, D.C. 20555-0001  
(301) 287-9118  
Robert.Carpenter@nrc.gov

Dated at Rockville, Maryland  
this 9<sup>th</sup> day of May, 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
	)	ASLBP No. 10-898-02- MLA-BD01
	)	
(Dewey-Burdock In Situ Uranium Recovery Facility)	)	Date: May 9, 2019

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 and the Board's Orders, I hereby certify that copies of the foregoing "UNOPPOSED MOTION FOR EXTENSION OF TIME" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 9<sup>th</sup> day of May, 2019. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its motion by electronic mail, also on May 9, 2019.

**Signed (electronically) by**

Robert Carpenter  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-14 A44  
Washington, D.C. 20555-0001  
(301) 287-9118  
Robert.Carpenter@nrc.gov