

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))	

UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR THE OGLALA SIOUX TRIBE TO REPLY TO NRC STAFF AND APPLICANT
RESPONSES TO THE TRIBE'S REQUEST FOR HEARING

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), the Oglala Sioux Tribe (Tribe) hereby submits this Unopposed Motion for Extension of Time to Reply to NRC Staff and Applicant Responses to the Tribe's Request for Hearing. (Unopposed Motion). This Unopposed Motion seeks a four (4) day extension of time up to and including Friday, May 14, 2010 in which to Reply to the separate Responses filed by NRC Staff and Powertech (USA) Inc. (Powertech or Applicant) to the Tribe's Petition to Intervene and Request for Hearing (Petition). Both the NRC Staff and Applicant have informed counsel for the Tribe that neither party opposes this short extension of time.

The Oglala Sioux Tribe filed its Petition in this matter on April 6, 2010. The Petition sets forth the basis for the Tribe's standing in this proceeding and states contentions pursuant to 10 C.F.R. § 2.309. NRC Staff and Powertech submitted separate Responses to the Petition on May 3, 2010. Under the NRC regulations pertaining to the filing of a Petition, any reply to the Responses would be due within seven (7) days. *See* 2 CFR § 2.309(h)(2). In the instant case, a reply is currently due Monday, May 10, 2010.

There exists good cause in this case for the grant of a minor, four (4) day extension of time for the Tribe to submit a Reply. The separate Responses filed by NRC Staff and Powertech total over 100 pages, including argument and technical comments concerning the Tribe's assertion of standing and statement of contentions. The length of these Responses requires more than seven (7) days to comprehensively review and address in a Reply. Further complicating the Tribe's ability to Reply within the regulatory timeline is the need to coordinate drafting and review of the Reply with the responsible Oglala Sioux Tribal government officials; a task made more difficult due to unavailability and other personal commitments associated with the intervening holiday (Mother's Day May 9). Lastly, no party will be prejudiced by this minor extension, and neither NRC Staff nor Powertech opposes the requested extension. Therefore, the Tribe requests an unopposed extension of time until May 14, 2010 in which to Reply to the Responses submitted by NRC Staff and Powertech to the Tribe's Petition.

Respectfully Submitted,

/s/ Grace Dugan

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Dated this 7th day of May, 2010

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME FOR THE OGLALA SIOUX TRIBE TO REPLY TO NRC STAFF AND APPLICANT RESPONSES TO THE TRIBE’S REQUEST FOR HEARING in the above-captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 7th day of May 2010, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.

/s/ signed electronically by _____

Jeffrey C. Parsons
Western Mining Action Project
Attorney for Oglala Sioux Tribe