

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

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

Docket No. 40-0975-MLA
ASLBP No. 10-898-02-MLA-BD01

September 1, 2010

**CONSOLIDATED INTERVENORS' UNOPPOSED MOTION
FOR LEAVE TO REPLY TO APPLICANT'S RESPONSE TO
NRC STAFF MOTION FOR CLARIFICATION**

Pursuant to 10 CFR §2.323(a), Intervenors file this unopposed motion for leave to reply to Applicant's August 26, 2010 Response to the NRC Staff Motion for Clarification. In its Response, Applicant raises issues and discusses matters that are not in reply to issues raised in the NRC Staff Motion for Clarification. Since NRC regulations do not otherwise provide Intervenors with an opportunity to reply to these issues raised in Applicant's filing, Intervenors respectfully request that the Board exercise its discretion and allow Intervenors to file a reply to Applicant's submission within 10 days after the Board's Order. The NRC Staff and Applicant's Counsels as well as Counsel for the Oglala Sioux Tribe and for Mr. Dayton Hyde have indicated that they are in support of this motion. Intervenors would be severely prejudiced if the Board were to consider the matters raised by Applicant in its filing without allowing Intervenors to reply to those issues. In addition, if such were the case, Intervenors' due process rights as well as the Administrative Procedure Act would be violated.

Intervenors hereby move that this Board issue an Order allowing Intervenors to file a reply to Applicant's Response to the NRC Staff Motion for Clarification, which

filing shall be made within 10 days after the Board's Order is served on Intervenors.

VI. CONCLUSION

For all the foregoing reasons, the Board should issue the order requested by Intervenors herein.

Dated this 1st day of September, 2010.

Respectfully submitted,

/s/ - electronically signed by

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CERTIFICATE OF SERVICE

I hereby certify that copies “CONSOLIDATED INTERVENORS’ UNOPPOSED MOTION FOR LEAVE TO REPLY TO APPLICANT’S RESPONSE TO NRC STAFF MOTION FOR CLARIFICATION” in the above captioned proceeding has been served on the following persons listed on the EIE Service List by electronic mail and via the EIE system; on the 1st day of September, 2010:

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