

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

February 7, 2014

CONSOLIDATED INTERVENORS' MOTION TO MAKE FILINGS BY EMAIL

Pursuant to 10 CFR §2.323(a), Consolidated Intervenors file this unopposed¹ motion to make filings by email due to problems with the NRC's EIE document system: (I) encountered by the undersigned Counsel for Intervenors; and (II) encountered by Counsel for the Oglala Sioux Tribe Travis Stills; in each case, due to computer system and software incompatibilities that have arisen after the recent digital security upgrades at NRC.² Consolidated Intervenors hereby move that this Board issue an Order allowing Counsel for Consolidated Intervenors who use MAC computers and software and allowing Counsel for the Oglala Sioux Tribe Travis Stills, to file documents in this proceeding as PDF documents sent by email together with an appropriate Certificate of Service.

DISCUSSION

¹ Applicant Counsel, OST Counsel and NRC Staff Counsel do not oppose this Motion provided that Counsels for Consolidated Intervenors and Counsel for Oglala Sioux Tribe Travis Stills, in each case will file by email PDF documents and serve the entire EIE Service List by email and it is understood that this email process is temporary until access by such users, respectively, is restored.

² By email dated January 21, 2014, the NRC MSHD Resource (meta_system_help_desk.resource@nrc.gov) informed Counsel for Consolidated Intervenors that it would be several months before the EIE was made compatible with MAC computers and MAC software. The undersigned has been unable to access EIE since January 1, 2014.

I. Counsel for Consolidated Intervenors uses Apple MAC computers and several MAC browsers. As a result of recent upgrades in the NRC's EIE system, MAC users are denied access to the EIE system.

II. As a result of the same security upgrades, Counsel for the Oglala Sioux Tribe Travis Stills is currently unable to access EIE with his windows-based computer due to software incompatibilities. Mr. Stills informed the other counsels in the case of his computer software problems and inability to access the EIE system by email to counsels dated February 3, 2014 and suggested that he would need to make and receive filings by email until such software issues were resolved.

III. Accordingly, it is not possible for Counsel for Consolidated Intervenors who use MAC computers or for Counsel to the Oglala Sioux Tribe Travis Stills to make filings or to view filings that have been made in the EIE system (unless they are also posted publicly to the NRC's website). Prior to the recent upgrade, such Counsels had used the EIE to make and retrieve all filings in accordance with this Board's orders and NRC regulations and once access to EIE is restored for MAC users, Counsel for Consolidated Intervenors undertakes to resume using the EIE system and to cease filings by email; similarly, the undersigned believes that Counsel for Oglala Sioux Tribe Travis Stills would likewise undertake to resume using the EIE system and to cease filings by email once his access to EIE is restored.

Based on the foregoing, Consolidated Intervenors respectfully request that the Board issue an Order allowing Consolidated Intervenors and their attorneys who use Apple MAC computers and allowing Counsel for Oglala Sioux Tribe Travis Stills, in each case to make filings in this Proceeding by email (without sending any paper hard

copies) provided the documents are PDF documents, are accompanied by a Certificate of Service and are sent to Hearing.Docket@nrc.gov and all judges and parties' counsels of record and parties listed in the EIE Service List (as it may be amended from time to time); and provided further that such Counsel will undertake to resume using EIE as soon as their respective access thereto is resolved.

CONCLUSION

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

Dated this 7th day of February, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Frankel", written in a cursive style.

David Frankel
P. O. Box 143
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605-515-0956

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

Docket No. 40-9075-MLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “CONSOLIDATED INTERVENORS’ MOTION TO MAKE FILINGS BY EMAIL” in the captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 7th day of February, 2014, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.



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