

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
TO SUBMIT RESPONSES TO NRC STAFF'S MOTION FOR SUMMARY DISPOSITION

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 Submit Responses to NRC Staff's Motion for Summary Disposition. This Unopposed Motion seeks an extension of time up to and including Friday, September 1, 2017 for all parties to submit responses to the Motion for Summary Disposition filed by NRC Staff on August 3, 2017. No party opposes this Motion and no prejudice will result from the extension proposed herein.

Pursuant to 10 C.F.R. § 2.1205(2), the current deadline for filing any response supporting or opposing NRC Staff's Motion for Summary Disposition is twenty (20) days following service. As a result, the current applicable deadline for response filing is August 23, 2017. For the reasons set forth below, the Tribe hereby requests an extension for all parties of the deadline until September 1, 2017 for the filing of any response.

The current deadline intersects with multiple conflicts for counsel for the Tribe. Specifically, lead counsel for the Tribe (Mr. Parsons) has scheduled out of town family vacation, which began August 3 and will continue through August 12. Further, lead counsel has oral argument on cross-motions for summary judgment in another case in the Arizona federal District

Court in Phoenix scheduled for August 23. Preparation and travel associated with this hearing are expected to consume virtually the entirety of the week of August 21st. Similarly, co-counsel for the Tribe, Mr. Stills, has pushed back previously scheduled deadlines due to a death in the family, such that he has major briefs due in the Colorado federal District Court on August 8 and August 18. As such, the earliest reasonable time the Tribe could prepare and file its response is September 1, 2017.

The undersigned understands that counsel for Powertech, Mr. Pugsley, has indicated that his client intends to file a response in support of NRC Staff's Motion for Summary Disposition. Mr. Pugsley similarly has significant out of town travel scheduled the weeks of August 7th, 14th, and 21st. As such, September 1, 2017 is also the earliest reasonable date for filing Powertech's response. Lastly, the Tribe understands that the Consolidated Intervenors also intend on filing a response. Given the alignment in this proceeding between the Tribe and Consolidated Intervenors, the Tribe expects coordination to occur in some fashion between these parties that disparate deadlines would frustrate.

Therefore, the Tribe requests an extension of time for all parties until September 1, 2017 in which to file and serve responses to NRC Staff's Motion for Summary Disposition.

Respectfully Submitted this 7th Day of August 2017,

/s/ Jeffrey C. Parsons

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME in the above-captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 7th day of August 2017, 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