
**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

OTLALA SIOUX TRIBE,

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**MOTION
FOR LEAVE TO
PARTICIPATE IN ORAL
ARGUMENT**

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Petitioner

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v.

)

CASE FILE NO. 17-1059

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**UNITED STATES NUCLEAR
REGULATORY COMMISSION
AND THE UNITED STATES OF
AMERICA**

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Respondents

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PowerTech (USA), Inc. (“PowerTech” or “Intervenor for Respondents”), by its undersigned counsel of record, hereby submits this Motion For Leave of Court to Participate in Oral Argument in this proceeding on March 20, 2018. PowerTech is an Intervenor-Respondent in this proceeding in support of the legal position of

the United States Nuclear Regulatory Commission (NRC) and the United States.

Powertech is also an NRC licensee whose license is the subject of this proceeding and has filed briefs in support of said license.

By Order dated March 8, 2018, this Court allocated fifteen (15) minutes of time for oral argument for both Petitioner and Federal Respondents. This Order stated that one (1) counsel per side is to participate in oral argument. Powertech asserts that it should be permitted to present argument to this Court in support of its license and has consulted with Federal Respondents on this matter. After this consultation, Powertech respectfully requests that this Court allow Federal Respondents to allocate a total of four (4) minutes of its time to Powertech for oral argument on March 20, 2018. Given that it is an NRC licensee in this proceeding and that it is currently involved in defense of this license in multiple proceedings at the NRC's Atomic Safety and Licensing Board and the Commission on appeal, Powertech asserts that it has good cause to be allowed to participate in oral argument.

Powertech has consulted with both the Petitioner and Respondents on this Motion. Petitioner has taken no position on this Motion and Respondents have indicated that they have no objection to this Motion.

Dated this 13th day of March, 2018.

Respectfully Submitted,

By: _____/S/ Christopher S. Pugsley_____

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CERTIFICATE OF SERVICE

I, Christopher S. Pugsley, hereby certify that I caused a true and correct copy of Powertech (USA), Inc.'s Motion For Leave of Court to Participate in Oral Argument to be served electronic mail via the Court's electronic filing system and separate electronic mail transmission on the following this 13th day of March, 2018:

United States Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15 D21
Washington, D.C. 20555

Hon. Annette Vietti-Cook, Secretary
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2738

Hon. Jeff B. Sessions, Attorney General, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Andrew Averbach, Solicitor
Emily Monteith, Attorney
James Adler, Attorney
Office of the General Counsel
United States Nuclear Regulatory Commission
Mail Stop O-15 D21
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Jeffrey C. Parsons
Travis Stills
Western Mining Action Project
P.O. Box 349
440 Main Street, Suite 2
Lyons, CO 80540

Dated this 13th day of March, 2018.

Respectfully Submitted,

By: ___/S/ Christopher S. Pugsley_____

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