

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) )

MOTION FOR EXTENSION OF TIME  
TO SUBMIT RESPONSES

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), the Oglala Sioux Tribe (Tribe) hereby submits this Motion for Extension of Time to Submit Responses. Currently pending before the Board is NRC staff's Motion to Set Schedule for Evidentiary Hearing (NRC Staff Motion), filed with the Board on April 3, 2019. Pursuant to 10 C.F.R. § 2.232(c), any Answers in response to NRC Staff's pending Motion are due on April 15, 2019. In addition, on April 5, 2019, the Board issued an Order (Setting Procedures to Address Motion to Set Schedule for Evidentiary Hearing) in which the Board requested that any Answers submitted in response to NRC Staff's Motion address two scheduling questions presented in the Order. In its Order, the Board provided that NRC Staff should also respond to the two scheduling issues by April 15, 2019.

For the reasons set forth herein, this Motion for Extension of Time seeks an extension of three (3) days – up to and including Thursday, April 18, 2019 for all parties to submit their respective Answers in response to NRC Staff's Motion as well as any response by NRC Staff to the Board's Order.

Counsel for the Tribe has contacted all counsel regarding this Motion. Counsel for NRC Staff stated that NRC Staff supports an extension of time for all parties to file responsive

documents with the Board by April 18, 2019. Similarly, Consolidated Intervenors support the Motion. Counsel for Powertech stated that he was diligently attempting to determine Powertech's position but had not yet been able to do so and could not confirm when his client would have a position.

The Tribe seeks a short (three day) extension of time due to severe weather events that have significantly hampered the Tribal government's ability to function and its counsel's ability to coordinate the preparation and review of both the substantive and scheduling issues presented in both NRC Staff's Motion and the Board's Order. To wit, as the Board may be aware, the Oglala Sioux Tribe is still in the process of recovering from extensive storms and flooding that occurred in late March. To make matters worse, the Pine Ridge Reservation is currently in the grip of another major winter blizzard, which has caused all of the Tribal government offices to close on Wednesday April 10, Thursday April 11, and likely Friday April 12. The State of South Dakota government offices have similarly closed and transportation officials have advised a "no travel" policy on all of the roads on the Pine Ridge Reservation. The severe winter storm conditions are substantially disrupting normal work efforts and are anticipated to bring additional flooding.

The Tribe understands the Board's interest in expeditiously resolving NRC Staff's Motion. However, given the circumstances and the loss of at least three (3) work days due to closures and recovery efforts, a three (3) day extension until Thursday April 18 represents the minimum extension necessary to allow the Tribe to coordinate its responses to NRC Staff's Motion and the Board's scheduling questions.

Therefore, the Tribe requests an extension of time for all parties until April 18, 2019 in which to file and serve Answers in response to NRC Staff's Motion and/or the Board's Order.

Respectfully Submitted this 11<sup>th</sup> Day of April 2019,

/s/ Jeffrey C. Parsons

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MOTION FOR EXTENSION OF TIME in the above-captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 11<sup>th</sup> day of April 2019, 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