

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
POWERTECH (USA) INC.,)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02-MLA-BD01
(Dewey-Burdock In Situ Uranium Recovery)	
Facility))	

JOINT MOTION FOR EXTENSION OF TIME
FOR THE OGLALA SIOUX TRIBE AND CONSOLIDATED INTERVENORS
TO FILE ANY APPEAL OF LBP-19-10

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), the Oglala Sioux Tribe (Tribe) and Consolidated Intervenors hereby submit this Joint Motion for Extension of Time to File any Appeal of LBP-19-10 (Motion). This Motion seeks an extension of time up to and including Tuesday, January 21, 2020 in which to file any appeal of the Final Initial Decision (LBP-19-10) issued by the Atomic Safety and Licensing Board (ASLB) in this matter on December 12, 2019. NRC Staff has informed undersigned counsel that it does not oppose this extension of time. Powertech (USA) Inc. has informed undersigned counsel that it opposes this Motion.

The current deadline for filing any appeal of LBP-19-10 is established by 10 C.F.R. § 2.341(b)(1), which provides a twenty-five (25) day deadline for any appeal. As the ASLB's ruling was issued and served on December 12, 2019, the deadline for any appeal falls on January 6, 2020.

For the reasons set forth below, the Tribe and Consolidated Intervenors hereby request an extension of the deadline until January 21, 2020 for the filing of any appeal.

First, the current deadline falls so that the time period for review of the seventy-eight (78) page ruling in LBP-19-10, along with any drafting and coordination between counsel and

clients overlaps or conflicts with multiple holidays, including Channukah (Dec. 22-31), Christmas (Dec. 25), and New Year's Day (Dec. 31-Jan. 1), along with the Chief Big Foot Memorial Ride and Winter Solstice observances on the Pine Ridge Reservation. As a result, counsel for the Tribe and Consolidated Intervenors, experts jointly retained by the Tribe and Consolidated Intervenors, and staff for relevant Tribal government offices have travel plans and family commitments that render preparation and coordination of any appeal under the current deadline an undue burden – this applies in particular to the two weeks covering December 21-January 5.

Second, the authorization and coordination processes within the Oglala Sioux Tribal government necessary for any appeal are severely complicated by the intervening holidays. Several principal government employees have vacation/annual leave over the holiday weeks. Further, consideration of this matter on the existing Oglala Sioux Tribal Council's meeting schedule is complicated by the holidays. The sought extension of time is necessary to allow time for Council to consider, deliberate, and make an informed determination on any appeal.

Third, the Tribe and Consolidated Intervenors are coordinating their arguments, as is expressly encouraged under the Commission's regulations. See 10 C.F.R. §§ 2.309(f)(3), 2.316, 2.317. Thus, in order to coordinate efforts so as to promote judicial economy and avoid duplication, a common deadline for both parties is necessary.

Finally, no prejudice will result from such an extension. NRC Staff does not object to the extension. The applicant's license is currently effective, and as recognized by the Commission, requires several additional federal, state and local permits in order to commence any ground disturbing activities. See CLI-19-01. An extension of fifteen (15) days over the end of year holidays will not have any material effect on the company's mine development plans.

Therefore, the Tribe and Consolidated Intervenors request an extension of time until January 21, 2020 in which to submit any appeal of LBP-19-10.

Respectfully Submitted this 16th Day of December, 2020,

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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 16th day of December 2020, 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