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

**OGLALA SIOUX TRIBE,)
ALIGNING FOR RESPONSIBLE)
MINING)**

Petitioners)

**AMENDED MOTION FOR
LEAVE TO INTERVENE**

CASE FILE NO. 20-1489

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

Respondents)

On December 28, 2020, Powertech (USA) Inc. (Powertech), by its undersigned counsel of record, filed a motion to intervene in this proceeding as an interested party and for reasons articulated in its motion. However, the Petitioners (Oglala Sioux Tribe and Aligning for Responsible Mining) note in their response to this filing that no corporate disclosure statement was included in Powertech's motion. Powertech now submits this statement as an amendment to its motion. As

noted in its December 28, 2020 motion, while the Petitioners' Petition for Review was docketed on December 4, 2020, it was not formally served on Powertech until December 9, 2020. Thus, the submission of this amendment is within the timeframe allotted under Court rules of thirty (30) days for filing for intervention status. Powertech also asserts that there is no prejudice to any party as Powertech was an intervenor in the previous iteration of this proceeding and, therefore, qualifies for intervention status here.

As a matter of corporate disclosure, Azarga Uranium Corp. owns one hundred (100) percent of Powertech, which holds the Dewey-Burdock Project. Powertech's ownership interest has not changed in this proceeding from when it was first admitted as an intervenor-respondent in this case. Per Court Rule 15(b):

“A motion to intervene in a case before this court concerning direct review of an agency action will be deemed a motion to intervene in all cases before this court involving the same agency action or order, including later filed cases, unless the moving party specifically states otherwise, and an order granting such motion has the effect of granting intervention in all such cases.”

Therefore, Powertech's reasons for intervention have been vetted and approved in the previous proceeding before this Court and the United States Nuclear Regulatory Commission (NRC) and the United States should be permitted to allow

for Powertech counsel to participate in written briefing and oral argument to the extent permissible.

Dated this 8th day of January, 2021.

Respectfully Submitted,

By: _____/s/ _____

Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
THOMPSON & PUGSLEY, PLLC
1225 19th Street, NW
Suite 300
Washington, DC 20036
(202) 496-0780
(202) 496-0783 (facsimile)
ajthompson@athompsonlaw.com
cpugsley@athompsonlaw.com

CERTIFICATE OF SERVICE

I, Christopher S. Pugsley, hereby certify that I caused a true and correct copy of Powertech (USA), Inc.'s Amended Motion For Leave to Intervene to be served electronic mail via the Court's electronic filing system and separate electronic mail transmission on the following this 8th day of January, 2021:

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
secy@nrc.gov

Hon. William Barr, Attorney General, U.S. Department of Justice
Justine Herminger, Esq.
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Justin.Heminger@usdoj.gov

Andrew Averbach, Solicitor
James Adler, Attorney
Office of the General Counsel
United States Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, D.C. 20555-00
Andrew.Averbach@nrc.gov
James.Adler@nrc.gov

Jeffrey C. Parsons
Travis Stills
Western Mining Action Project
P.O. Box 349
440 Main Street, Suite 2
Lyons, CO 80540
wmap@igc.org
stills@frontier.net

David C. Frankel, Esq.
1430 Haines Avenue, #108-372
Rapid City, SD 57701
Arm.legal@gmail.com

Law Office of Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709
Belli4law@aol.com

Thomas J. Ballanco, Esq.
945 Traval Street, #186
San Francisco, CA 94116
Harmonicengineeing@gmail.com

Dated this 8th day of January, 2021:

By: _____/s/_____

Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
THOMPSON & PUGSLEY, PLLC
1225 19th Street, NW
Suite 300
Washington, DC 20036
(202) 496-0780
ajthompson@athompsonlaw.com
cpugsley@athompsonlaw.com

