

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

_____)	
OGLALA SIOUX TRIBE, ALIGNING)	
FOR RESPONSBLE MINING,)	
)	
Petitioners,)	No. 20-1489
)	
v.)	
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
_____)	

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES
AND RULE 26.1 DISCLOSURE

Pursuant to D.C. Circuit Rules 15(c)(3), 26.1 and 28(a)(1), counsel for
Petitioners certifies as follows:

1. Parties, Intervenors, and Amici Curiae

The parties to this Petition for Review are Petitioners Oglala Sioux Tribe and
Aligning for Responsible Mining and Respondents United States Nuclear
Regulatory Commission (“NRC”) and the United States of America. Powertech
(USA), Inc. has filed a motion for leave to intervene.

RULE 26.1 DISCLOSURE STATEMENT

Petitioner Oglala Sioux Tribe is a sovereign government. It has no parent corporations and issues no stock or shares. Aligning for Responsible Mining is an Oglala Sioux Tribe nonprofit association. It has no parent corporations and issues no stock or shares.

2. Rulings Under Review

Petitioners seek review of the Nuclear Regulatory Commission's ("Commission") December 23, 2016 Memorandum and Order in *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-16-20 (December 23, 2016), which in turn affirmed several decisions of the Atomic Safety Licensing Board and NRC Staff – e.g., *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In-Situ Uranium Recovery Facility), LPB-10-16, 72 NRC 361 (2010); *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In-Situ Uranium Recovery Facility), LBP-13-9, 78 NRC 37 (2013); *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In-Situ Uranium Recovery Facility), LBP-14-5, 79 NRC 377 (2014); *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In-Situ Recovery Facility), Order Removing Temporary Stay and Denying Motions for Stay of Materials License Number SUA-1600) (May 20, 2014); *In the Matter of Powertech (USA), Inc.* (Dewey-Burdock In-Situ Uranium Recovery Facility), LBP-15-16, (2015); the

Commission's January, 2014 Final Environmental Impact Statement ("EIS") for the Dewey-Burdock In-Situ Recovery Project in Custer and Fall River Counties, South Dakota; the April 8, 2014 Record of Decision for the project; the April 8, 2014 Materials License No. SUA-1600, Docket No. 040-09075)(Amendment #3 effective October 7, 2020); the Commission's July 24, 2018 Memorandum and Order in In the Matter of Powertech (USA), Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-18-07 (July 24, 2018); the Commission's January 31, 2019 Memorandum and Order in In the Matter of Powertech (USA), Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-19-01 (January 31, 2019); the Commission's September 26, 2019 Memorandum and Order in In the Matter of Powertech (USA), Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-19-09 (September 26, 2019); and the Commission's October 8, 2020 Memorandum and Order in In the Matter of Powertech (USA), Inc. (Dewey-Burdock In Situ Uranium Recovery Facility), Docket No. 40-9075-MLA, CLI-20-09 (October 8, 2020), which affirmed all other underlying decisions of the Atomic Safety and Licensing Board.

3. Related Cases

Issues related to this same proceeding came before this Court in *Oglala Sioux Tribe v. U.S. NRC, et al.*, 896 F.3d 520 (D.C. Cir. 2018).

Respectfully submitted,

/s/ Jeffrey C. Parsons

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Filed this 8th day of January, 2021.

CERTIFICATE OF SERVICE

I, Jeffrey C. Parsons, hereby certify that the foregoing Certificate as to Parties, Rulings, and Related Cases was served on all counsel of record in case number 20-1489 through the electronic filing system (CM/ECF) of the U.S. Court of Appeals for the District of Columbia Circuit.

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