

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
)	ASLBP No. 10-898-02-MLA-BD01
(Dewey-Burdock In Situ Uranium Recovery)	
Facility))	

**OGLALA SIOUX TRIBE’S ANSWER IN SUPPORT OF CONSOLIDATED
INTERVENORS’ MOTION FOR STAY OF EFFECTIVENESS OF LICENSE**

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.1213(c), Intervenor Oglala Sioux Tribe (“Tribe”) hereby files this Answer in Support of Consolidated Intervenor’s Motion for Stay of Effectiveness of the License issued to the applicant Powertech (USA) Inc. (“Powertech” or “applicant”). 10 C.F.R. § 2.1213(c) states, in relevant part: “Within ten (10) days after service of an application for a stay of the NRC staff’s action under this section, any party and/or the NRC staff may file an answer supporting or opposing the granting of a stay.” Consolidated Intervenor’s filed an application for a stay on April 14, 2014. Thus, this Answer in support is timely.

II. ANSWER IN SUPPORT

The Tribe directs the Board’s attention to the attached Declaration of the Oglala Sioux Tribe Invoking the Treaties of 1851 and 1868; Declaration No. 14-01, duly signed by Oglala Sioux Tribe President Bryan V. Brewer on April 18, 2014. This Declaration reinforces the arguments made to the Board by Consolidated Intervenor’s with respect to irreparable harm, likelihood of success on the merits, the relative harms to the parties, and the public interest.

Specifically, the Declaration provides background and details pertaining to the Treaties of 1851 and 1868, the duties of the United States federal government under these Treaties, the lack of adequate cultural and historic impact review by the NRC Staff, the irreparable harm associated with these impacts, and the public interest in ensuring protection of these sites until this matter can be formally and finally resolved.

Respectfully Submitted,

/s/ Jeffrey C. Parsons

Jeffrey C. Parsons
Western Mining Action Project
P.O. Box 349
Lyons, CO 80540
303-823-5732
Fax 303-823-5732
wmap@igc.org

Travis E. Stills
Energy and Conservation Law
1911 Main Avenue, Suite 238
Durango, Colorado 81301
stills@frontier.net
phone:(970)375-9231
fax: (970)382-0316

W. Cindy Gillis
522 7th Street, Suite 202s
Rapid City, SD 57701
(307) 202-0703 1

Attorneys for Oglala Sioux Tribe

Dated at Lyons, Colorado
this 24th day of April, 2014

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Summary Disposition in the captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 24th day of April 2014, and via email to those parties for which the Board has approved service via email, 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
P.O. Box 349
Lyons, CO 80540
303-823-5732
Fax 303-823-5732
wmap@igc.org