

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of)	Docket No. 40-8943
)	ASLBP No. 08-867-02-0LA-BD01
CROW BUTTE RESOURCES INC.)	
)	
(License Renewal for the In Situ Leach Facility, Crawford, Nebraska))	April 30, 2014
)	

**UNOPPOSED MOTION BY THE OGLALA SIOUX TRIBE
FOR A ONE-WEEK EXTENSION OF TIME OF CERTAIN FILING DEADLINES
AND REQUEST FOR FORTHWITH RULING**

Pursuant to 10 CFR Section 2.307, the Oglala Sioux Tribe hereby submits this Unopposed Application for An Extension of Time of Certain Filing Deadlines. This motion is timely filed in accordance with 10 CFR Sections 2.1204 and 2.323. As the initial Section 2.1207(a)(1) submissions of the parties are due tomorrow, May 1, 2015, a forthwith ruling by the Board is requested.

MOTION

1. Pursuant to the Board's Order of March 25, 2015, the initial submissions required by 10 CFR Section 2.1207(a)(1) (written statement of position, exhibits, written testimony, and supporting affidavits) are due on or before May 1, 2015. Pursuant to the Order, the rebuttal submissions are due on or before May 29, 2015. For the reasons set forth below, the Oglala Sioux Tribe ("Tribe" or "OST") needs a relatively short extension of time of one week, 7 days, to and including May 8, 2015, in which to make the initial submissions required by 10 CFR Section 2.1207(a)(1) as to Contentions 1 and D. The 7 day extension of time to May 8, 2015, for the initial submissions would still meet the time requirement (20 days) for the rebuttal submissions set forth in 10 CFR Section 2.1207(a)(2).

2. The parties have conferred and no party opposes the relief requested in this motion if the 7-day extension of the initial submissions deadline is to all parties and all contentions and the May 29, 2015 deadline for rebuttal submissions, the June 9, 2015 deadline for motions in limine or to strike, and the June 23, 2015 deadline for proposed questions to the Board as set forth in the Order are also extended by 7 days. The Tribe therefore moves the Board for an order modifying those deadlines accordingly.

3. As the evidentiary hearing will not take place until August 24, 2015, the requested limited 7-day extension of time on the initial submissions and the other filing deadlines will not prejudice the parties or the taking of statements and testimony at the hearing but will in fact facilitate them and ensure fairness.

4. As has been previously stated by the Tribe, due to the Tribe's limited resources and the widespread poverty of its people following centuries of occupation and oppression, it has had to seek and retain *pro bono* counsel through the Ved Nanda Center at the University of Denver Sturm College of Law in Colorado some 350 miles away from the Tribe's rural location.

5. The difficulties of distance and poverty are compounded by the extremely rural location of the Tribe and, in particular, the elders and other witnesses who the Tribe intends to call as witnesses in this matter on the Contention 1 and Contention D issues of the historic, cultural, and spiritual interests of the Tribe and its people in the lands where the activities of the Applicant are taking place. The Tribe with Consolidated Intervenors has previously submitted to the other parties and the Board a list of intended witnesses and exhibits identifying those that are to testify and be offered on these issues.

6. Further, many of the Tribe's witnesses, particularly the tribal elders, follow the traditions of the Tribe in conveying information and knowledge on these issues orally rather than

in written form and require the personal assistance to set that knowledge and information down into written form as required by this Board's order and Section 2.1207(1)(a). They and other witnesses, including Tribal officers, are also unfamiliar with the procedures, requirements, and formalities of federal agencies for submissions in quasi-judicial proceedings and need personal assistance in meeting those requirements.

7. The Tribe's sole *pro bono* counsel, Andrew Reid, has attempted to schedule a trip to South Dakota to meet with the Tribe and witness to obtain the Section 2.1207(a)(1) written testimony, affidavits, and exhibits but due to inclement weather, prior obligations, and the lengthy time required for the trip has been unsuccessful. Counsel is now able to and intends to travel to the Reservation in South Dakota this coming week, the week of May 4th, and to obtain the written testimony, affidavits, and exhibits in time for submission on or before May 8, 2015, within the requested 7-day extension of time.

8. Fairness and justice will be promoted, the interests of the public and the Lakota peoples will be served, and no party will be prejudiced by the granting of this motion.

WHEREFORE, for the reasons stated above and for good cause shown, the Tribe moves the Board for the issuance forthwith of an order revising as to all parties the filing deadlines contained in the Board's March 25, 2015 scheduling Order by one week (7 days) as follows: (1) 10 CFR Section 2.1207(a)(1) submissions on or before May 8, 2015; (2) 10 CFR Section 2.1207(a)(2) submissions on or before June 5, 2015; (3) motions in limine or to strike on or before June 16, 2015; and (4) proposed questions to the Board on or before June 30, 2015.

Respectfully Submitted,

Signed (electronically) by Andrew B. Reid

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Dated: April 30, 2015, Denver, Colorado.

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I certify that, on this date, copies of the UNOPPOSED MOTION BY THE OGLALA SIOUX TRIBE FOR A ONE-WEEK EXTENSION OF TIME OF CERTAIN FILING DEADLINES AND REQUEST FOR FORTHWITH RULING were served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding.

Dated: April 30, 2015.

Signed (electronically) by Andrew B. Reid

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