

October 9, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943
	)	
(License Amendment for the North Trend	)	ASLBP No. 07-859-03-MLA-BD01
Expansion Area)	)	

NRC STAFF'S MOTION FOR EXTENSION OF TIME

The NRC staff ("Staff") herein requests that the Atomic Safety and Licensing Board ("Board") grant a one-day extension of time for the Staff to file its written response to the Consolidated Petitioners'¹ "Petition for Leave to File New Contention Re: Arsenic," ("Petition") dated September 22, 2008.² By Order dated September 29, 2008,³ the Board granted the joint request of Crow Butte Resources, Inc. and the Staff to extend, as to both parties, the time by which to file said response to October 13, 2008.⁴ Such date, October 13, 2008, is a federal holiday.⁵ In light of such, the Staff herein respectfully moves that the Board grant the Staff leave

¹ The Consolidated Petitioners include Beatrice Long Visitor Holy Dance, Joe American Horse, Sr., Debra White Plume, Loretta Afraid of Bear Cook, Thomas Kanatakeniate Cook, Dayton O. Hyde, Bruce McIntosh, Afraid of Bear/Cook Tiwahe, American Horse Tiospaye, Owe Aku/Bring Back the Way, and Western Nebraska Resources Council.

² In accordance with 10 C.F.R. § 2.323(b), Counsel for Staff contacted Counsel for the other parties to this proceeding. Counsel for Crow Butte Resources, Inc. and Counsel for the Oglala Sioux Tribe did not oppose the pending motion. At the time of this submission, Counsel for the Staff had not received responses from Counsel for the Consolidated Petitioners or from Counsel for the Oglala Delegation of the Great Sioux Nation Treaty Council as to the pending motion.

³ Order and Notice (Regarding Extension of Time and Tour of Reservation) (Sept. 29, 2008).

⁴ "Joint Motion for Extension of Time" (dated Sept. 26, 2008).

⁵ The Federal Government will observe October 13, 2008 as Columbus Day.

to file its written response to the Petition by the subsequent day, October 14, 2008.

Respectfully submitted,

/RA/

Brett Michael Patrick Klukan
Counsel for NRC Staff

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943
In-Situ Leach Facility, Crawford, Nebraska	)	
	)	ASLBP No. 07-859-03-MLA-BD01
(License Amendment for the North Trend	)	
Expansion Project)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S MOTION FOR EXTENSION OF TIME" has been served upon the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 9th day of October, 2008:

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