

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

Oglala Sioux Tribe and Western	)	
Nebraska Resources Council, et al.,	)	
Petitioners,	)	
v.	)	No. 09-2262 and 09-2285
	)	(Consolidated)
U.S. Nuclear Regulatory Commission	)	
and the United States of America,	)	
Respondents.	)	
_____	)	

**UNOPPOSED MOTION TO EXTEND TIME  
TO RESPOND TO FEDERAL RESPONDENTS' MOTION TO DISMISS**

Pursuant to FRAP 27 and Local Rule 27A, Petitioners (excluding the Oglala Sioux Tribe) hereby file this unopposed<sup>1</sup> motion, and hereby move this court to extend the time for filing a response to Federal Respondents' Motion to Dismiss so that any such response shall be due on or before July 20, 2009. Counsels for all the parties have agreed that with the court's permission, and to accommodate vacation schedules and to provide an opportunity for Intervenor Crow Butte Resources to file its Response in Support of Federal Respondents' Motion to Dismiss and for Petitioners to review and respond to the contents thereof, the following schedule shall apply:

1. Intervenor Crow Butte Resources expects to file its Response in Support of Federal Respondents' Motion to Dismiss during the week of July 6, 2009;
2. Petitioners, including the Oglala Sioux Tribe, will file their Responses in Opposition to Federal Respondents' Motion to Dismiss on or before July 20, 2009; and

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<sup>1</sup> No party to this matter has objected to or opposes this Motion (Oglala Sioux Tribe, US Nuclear Regulatory Commission, United States of America and Crow Butte Resources, Inc. have each agreed to the extension to July 20, 2009.)

3. In the event that the US Nuclear Regulatory Commission and/or the United States of America requires an extension for filing a Reply to the Responses, Petitioners will not object to any such extension.

CONCLUSION

For the foregoing reasons, the court should grant this unopposed motion.

Dated this 2<sup>nd</sup> day of July, 2009.

Respectfully submitted,

**s/David Frankel/**

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