

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE COMMISSION**

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)	)	July 11, 2016

**UNOPPOSED APPLICATION BY THE OGLALA SIOUX TRIBE FOR A 7-DAY  
EXTENSION OF TIME TO FILE ITS ANSWER TO PETITION FOR REVIEW**

Pursuant to 10 CFR Section 2.307, the Oglala Sioux Tribe hereby submits this Unopposed Application for a 7-Day Extension of Time to File Its Answer to the Petition for Review submitted by Crow Butte Resources, Inc. [ADAMS ML 16173A126] in this matter. This application is timely filed in accordance with Section 2.1204.

**APPLICATION**

1. This Application request a short extension of time of 7 days to and including July 21, 2015, in which to a response to Crow Butte Resources, Inc.’s (“CBR”) Petition for Review [ML 16173A126] of the Atomic Safety and Licensing Board’s (“Board”) Partial Initial Decision on Contention 1 (Consultation & Tribal Cultural Properties) issued on May 26, 2016 [ML 16147A587].
2. In accordance with 10 C.F.R. §2.323(b), Counsel for the Oglala Sioux Tribe (“OST” or “Tribe”) contacted Counsel for the other parties to this proceeding and no party opposes the relief requested in this Application.
3. On May 26, 2016, the Board issued its Partial Initial Decision on Contention 1

(Consultation & Tribal Cultural Properties) [ML 16147A587] in favor of the Tribe.

4. On June 20, 2016, CBR filed a Petition [ML16173A126] with the Nuclear Regulatory Commission (“Commission”) requesting review of the Board’s decision.

5. Pursuant to 10 C.F.R. §2.341(b)(3) any other party may file an answer to the CBR Petition within 25 days, or on or before July 14, 2016.

6. After centuries of occupation and oppression by the United States, the Pine Ridge Indian Reservation, the home of the Oglala Sioux Tribe, has been widely described as the “poorest place in the United States.” It has an unemployment rate of 80-90% and a per capita income of less than \$4,000. Life expectancy on Pine Ridge is the lowest in the United States and the second lowest in the Western Hemisphere. The Reservation has some of the highest rates of alcoholism, heart disease, and cancer in the United States<sup>1</sup>.

7. Conducting litigation of this nature to protect the interests of the Tribe and its people, including the payment of attorney fees, places a highly inordinate burden on the Tribe, and the Tribe was financially unable to continue with retained counsel in this matter. However, the Tribe was able to retain its current *pro bon* counsel, Andrew B. Reid, through his affiliation with the Ved Nanda Center of International and Comparative Law at the University of Denver’s Sturm College of Law.

8. Many of the issues in this matter, including Contention 1 issues surrounding the historic, cultural, and spiritual significance of the CBR license area, require or benefit from in-person consultations by the Tribe with its counsel. However, significant communications

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<sup>1</sup> Testimony of John Yellow Bird Steele, President of the Oglala Sioux Tribe Oversight Hearing on Indian Housing Before The Senate Committee on Indian Affairs (March 22, 2007), <http://www.indian.senate.gov/sites/default/files/upload/files/Steele032207.pdf>.

problems have arisen between the Tribe and its counsel largely due to the location of the Tribe on the Pine Ridge Indian Reservation in South Dakota, approximately 350 miles away from its counsel in Denver, Colorado. Additionally, the Tribe has recently – since the issuance of the Board’s Partial Initial Decision - retained a new Tribal Cultural Affairs & Historic Preservation Officer, Ms. Trina Lone Hill, who has been diligent in attempting to come up to speed in the history of the litigation and issues in this matter so that she can properly participate and advise the Tribe’s counsel as the lead person for the Tribe on Contention 1 matters.

9. Pursuant to the direction by the Board in its Partial Initial Decision, a joint conference has been set by the parties for July 12, 2016, to discuss measures to remedy the Contention 1 deficiencies identified by the Board in its Decision. That discussion may have some bearing on the Tribe’s Answer to the pending CBR Petition.

10. The Tribe’s sole *pro bono* counsel, Mr. Reid, is also counsel in a significant civil rights matter in federal court, *Estate of Dixon v. Crowley County*, Case No. 2015cv02727 (US District Court, Colorado), which as required a large number of depositions over the last month requiring Mr. Reid to travel away from his office. Two of those out-of-town depositions are to occur on July 13, 2016, the day before the deadline for the Tribe’s Answer to the CBR Petition. The schedule of the Tribe’s counsel places a very heavy burden upon counsel to be able to adequately research and complete the Answer by the current deadline. Tribe’s counsel does expect to have sufficient time to complete and file the Tribe’s Answer following those depositions and on or before July 21, 2016.

11. No party nor this proceeding will be prejudiced by a short 7-day extension of time in which to submit the Tribe’s Answer and justice and fairness will be served by the extension.

WHEREFORE, for the reasons stated above and for good cause shown, the Tribe

respectfully requests that the Commission extend the deadline for the Answer to the CBR  
Petition by 7 days, to and including July 21, 2016.

Respectfully Submitted,

*Signed (electronically) by Andrew B. Reid*

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Dated: July 11, 2016, 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 APPLICATION BY THE OGLALA SIOUX TRIBE FOR 7-DAY EXTENSION OF TIME TO FILE ITS ANSWER TO PETITION FOR REVIEW were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Dated: July 11, 2016.

*Signed (electronically) by Andrew B. Reid*

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