

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 40-8943-MLA-2
)	
CROW BUTTE RESOURCES, INC.)	ASLBP No. 13-926-01-MLA-BD01
)	
(Marsland Expansion Area))	June 5, 2018

JOINT UNOPPOSED
MOTION TO EXTEND PAGE LENGTH LIMIT

In accordance with the Atomic Safety and Licensing Board's (Board) Initial Prehearing Order dated February 8, 2013,¹ the NRC staff (Staff) hereby files this unopposed joint motion² on behalf of the parties requesting that the Board extend the page limit for responsive pleadings related to the Oglala Sioux Tribe's (OST) new and amended contentions. The parties request that the Staff and Crow Butte Resources, Inc. (CBR) be allowed 40 pages for their responses and that the OST be allowed 20 pages for their reply.

The February 2013 Order states that any motion filed after the date of the Prehearing Order and any related responsive pleading should not exceed 10 pages in length.³ It further states that any motion to exceed this page limit "must (i) indicate whether the request is opposed or supported by the other participants to the proceeding; (ii) provide a good faith

¹ Memorandum and Order (Initial Prehearing Order) (February 8, 2013) (unpublished) (ADAMS Accession No. ML13039A271) ("February 2013 Order").

² The February 2013 Order states that any motion to exceed the page limit must be filed at least three business days prior to the filing deadline. *Id.* at 4. In this case, the filing deadlines for the Staff's and CBR's responses is June 13, 2018, and the filing deadline for the OST's reply is June 20, 2018. This motion is therefore timely.

³ *Id.*

estimate of the number of additional pages that will be filed; and (iii) demonstrate good cause for being permitted to exceed the page limitation.”⁴

On May 31, 2018, the OST filed an 86-page pleading containing 14 contentions.⁵ The Staff and CBR have good cause to request a page limit extension for their responses due to the length of the OST pleading and the number of new contentions filed. The Staff and CBR estimate that their responses will require up to 40 pages. As required by 10 C.F.R. § 2.323(b), Staff counsel (on behalf of the Staff and CBR) consulted with counsel for the OST regarding this request. On June 5, 2018, counsel for the Staff, CBR, and the OST reached an agreement regarding page length limits for the Staff’s and CBR’s responses and the OST’s reply.⁶

Therefore on behalf of the parties, the Staff respectfully requests that the Board grant the requested page limit extensions for the responsive pleadings.

Respectfully submitted,

/Signed (electronically) by/

Robert Carpenter
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 287-9118
Robert.Carpenter@NRC.gov

Dated at Rockville, Maryland
This 5th day of June, 2018

⁴ *Id.* At 4-5.

⁵ The Oglala Sioux Tribe’s Migrated, Renewed, and New Marsland Expansion Final Environmental Assessment Contentions (May 30, 2018) (ADAMS Accession No. ML18151A000) (“OST Pleading”).

⁶ Staff counsel consulted with counsel for CBR (Tyson Smith) and counsel for OST (Andrew Reid) by email regarding the page limit extension. Mr. Smith indicated that he supports the motion. Mr. Reid replied on June 4, 2018 indicating that OST does not oppose this joint motion on the condition that the OST be permitted a page length extension for their reply brief. On June 5, the Staff, CBR, and the OST agreed to a 20-page limit for the OST’s reply.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket No. 40-8943-MLA-2
)	
CROW BUTTE RESOURCES, INC.)	ASLBP No. 13-926-01-MLA-BD01
)	
(Marsland Expansion Area))	June 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "JOINT UNOPPOSED MOTION TO EXTEND PAGE LENGTH LIMIT" in the above-captioned proceeding have been served via the Electronic Information Exchange ("EIE"), the NRC's E Filing System, this 5th day of June, 2018, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above-captioned proceeding..

/Signed (electronically) by/

Robert Carpenter
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 287-9118
Robert.Carpenter@nrc.gov