

December 14, 2007

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
In-Situ Leach Facility, Crawford, Nebraska)	
)	ASLBP No. 07-859-03-MLA-BD01
(License Amendment for the North Trend)	
Expansion Project))	

NRC STAFF'S MOTION TO RESCHEDULE ORAL ARGUMENT

Pursuant to 10 C.F.R. § 2.323(a), the NRC Staff ("Staff") moves that the oral argument in the above-referenced proceeding set for January 9, 2008 be rescheduled to one of the following dates: January 10, 11, or 17. In further support of this motion, the Staff respectfully requests that the Board consider the following:

1. On December 12, 2007, the Board issued an Order regarding scheduling and guidance for the above-referenced proceedings which requires all participants to appear for oral arguments in or near Crawford or Chadron, Nebraska, on Wednesday, January 9, 2008. The Order required any party with a scheduling conflict to submit a request with reasons and a preference for an alternate date provided by the Board in the Order.

2. Andrea' Z. Jones, Counsel for the NRC Staff, is scheduled to appear before a different panel in another proceeding, *In the Matter of Shaw Areva MOX Services*, ASLBP No. 07-856-02-MLA-BD01 (MOX), on January 8, 2008 at 1:30 p.m. at NRC Headquarters in Rockville, Maryland. Marcia Simon, Co-Counsel for the NRC Staff on both this proceeding and the MOX proceeding, is also involved in preparations for, and will be assisting in, representation of the Staff at the January 8, 2008 MOX oral argument. Counsel has been advised that travel to the hearing site in Nebraska is likely to require over eight hours of travel by air and automobile.

Thus, whichever counsel for the Staff takes the lead in presenting the oral arguments in this

proceeding, neither will have sufficient time to travel to the hearing site to arrive in time to appear for oral arguments on January 9, 2008. The alternate dates would allow time for travel, arrival and preparation immediately before the oral argument.

3. In accordance with 10 C.F.R. § 2.323(b), counsel for the Staff has contacted petitioners Debra White Plume, Thomas Cook, and Buffalo Bruce, and Mark McGuire, counsel for the Applicant, regarding this issue. Messrs. Cook, Bruce, and McGuire have indicated that they do not oppose this Motion or the proposed date changes. Ms. White Plume had not yet responded to phone messages left by counsel as of the time of this filing.

Therefore, in light of the foregoing reasons, counsel for the Staff respectfully requests that the Board reschedule oral arguments to January 10, 11, or 17, 2008, to allow counsel enough time to travel and arrive at the hearing site in time for the oral argument.

Respectfully submitted,

/RA by Marcia J. Simon/

Marcia J. Simon
Counsel for NRC Staff

Signed at Rockville, Maryland
This 14th day of December, 2007

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

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Admissions:	State of Maryland
Name of Party:	NRC Staff

Respectfully submitted,

/RA by Marcia J. Simon/

Marcia J. Simon
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 14th day of December, 2007

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION TO RESCHEDULE ORAL ARGUMENT" and "NOTICE OF APPEARANCE" for Marcia J. Simon in the above-captioned proceeding have been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), and by electronic mail as indicated by a double asterisk (**) on this 14th day of December, 2007:

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/RA by Marcia J. Simon/

Marcia J. Simon
Counsel for the NRC Staff