

May 28, 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 Expansion Area)	)	ASLBP No. 07-859-03-MLA-BD01

NRC STAFF'S REQUEST FOR EXTENSION OF TIME TO REPLY TO THE  
PETITIONERS' AND APPLICANT'S RESPONSE TO BOARD APRIL 29, 2008 ORDER

INTRODUCTION

Pursuant to 10 C.F.R. § 2.323, the NRC Staff ("Staff") hereby requests an extension of time until Monday, June 9, 2008 to reply to Petitioners' Brief Regarding Foreign Ownership and Subpart G Issues filed on May 23, 2008. In support of the Staff's request, the Staff respectfully requests that the Board consider the following:

1. On April 29, 2008, the Board issued a Memorandum and Order of their decision on the Petition to Intervene and Request for Hearing in the above referenced proceeding. The Board admitted Contentions A, B and C, but found Contentions D and F inadmissible under 10 C.F.R. § 2.309(f)(1). The Board refrained from ruling on Petitioners' Contention E and requested additional briefs on two questions related to Contention E and Petitioners' request for Subpart G hearing procedures<sup>1</sup>.
2. On May 2, 2008, the Board issued an additional Order setting a deadline of May 23, 2008 for all participants to submit briefs on the aforementioned questions. Additionally, the

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<sup>1</sup> The Board issued an additional Order on May 2, 2008, requesting briefs on the application of Subpart G procedures in the above referenced proceeding.

Board set May 30, 2008 as the deadline for all parties and participants to file a brief in response to the May 23, 2008 submittals.

3. On May 23, 2008, all participants including the Staff submitted timely briefs in response to the Board's questions.

4. Due to the obligations of the Staff under 10 C.F.R. §§ 2.336(b) and 2.1203 to meet mandatory disclosure requirements—for which the Board recently granted a stay—and the extensive response of the Petitioners' May 23 filing (approximately 64 pages, not including several attachments), the Staff is unable to prepare a response by the May 30 deadline. The Staff has found it necessary to request a brief extension of time to determine whether, and to what extent, a reply and any motions the Staff determines necessary is required in light of the extensive length of the Petitioners' May 23, 2008 filing, and the multiplicity of seemingly new information raised, which the Staff could not anticipate.

5. Counsel for the Staff has contacted Counsel for the Western Nebraska Resources Council and the Applicant, as required under 10 C.F.R. § 2.323(b), none of whom oppose the Staff's request for an extension of time until Monday, June 9, 2008. Counsel for the Staff made three attempts to contact Counsel for Owe Aku and Debra White Plume but was unsuccessful. In addition, Counsel for the Applicant supports the Staff's request as long as the extension would apply to all parties and participants.

Therefore, in light of the foregoing, the Staff respectfully requests that the time to submit a reply and/or motions, if any, to the May 23 submittals extend to Monday, June 9, 2008.

Respectfully submitted,  
*/RA/*

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Andrea' Z. Jones  
NRC Staff Counsel

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S REQUEST FOR EXTENSION OF TIME TO REPLY TO THE PETITIONERS' AND APPLICANT'S RESPONSE TO BOARD APRIL 29, 2008 ORDER" 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 28<sup>th</sup> day of May, 2008:

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**/RA/**

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