

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Richard F. Cole  
Dr. Fred W. Oliver

In the Matter of

CROW BUTTE RESOURCES, INC.  
(License Amendment for the North Trend  
Expansion Project)

Docket No. 40-8943-MLA  
ASLBP No. 07-859-03-MLA-BD01

July 8, 2009

ORDER

(Confirming Matters Addressed at July 7, 2009, Scheduling Conference)

On July 7, 2009, the Licensing Board held a telephone conference with the parties to discuss the schedule for the remainder of this proceeding in light of the Commission's decision in CLI-09-12. Among other matters addressed during the conference, the NRC Staff indicated that at this point it anticipates issuing the SER in the proceeding in late October or November 2009, and the environmental review document in December 2009, and the following deadlines were set:

1. Counsel for Crow Butte will take the lead in consulting with counsel for the other parties regarding coordination of mandatory disclosures under 10 C.F.R. § 2.336, and the parties will in the near future file a joint proposal with the Licensing Board.
2. Counsel for Petitioner WNRC stated that he would be filing a new motion for stay, which shall be filed by July 10, 2009.
3. Petitioners shall advise the Licensing Board how they anticipate coordinating the presentation of their evidence in this proceeding, by July 25, 2009.

4. Assuming any motion for stay is not sooner granted, all parties shall file either a joint proposed schedule for the proceeding, or, if agreement is not possible among the parties, separate proposed schedules, by August 14, 2009. The schedule for the proceeding shall be tied to the Staff's issuance of the safety and environmental documents referenced above, as contemplated in the Model Milestones for Subpart L proceedings found in Appendix B to 10 C.F.R. Part 2. In addressing scheduling matters, the parties were also advised to allow for an early deadline for the filing of any motions for summary disposition, in order that any responses thereto and rulings thereon may be most efficiently handled in relation to any actual hearing in the matter.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

/RA/  
Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 8, 2009<sup>1</sup>

---

<sup>1</sup> Copies of this Order were sent this date by the agency's E-Filing system to counsel for all parties in the above-referenced proceeding.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of	)	
	)	
CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943-MLA
	)	
In-situ leach Uranium Recovery Facility,	)	
Crawford, Nebraska	)	
	)	
(License Amendment for the North Trend	)	
Expansion Area)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (CONFIRMING MATTERS ADDRESSED AT JULY 7, 2009, SCHEDULING CONFERENCE) have been served upon the following persons by Electronic Information Exchange.

U. S. Nuclear Regulatory Commission  
Office of Commission Appellate  
Adjudications  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U. S. Nuclear Regulatory Commission  
Office of the Secretary  
Mail Stop O-16C1  
Washington, DC 20555-0001

Hearing Docket  
E-Mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U. S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
Washington, DC 20555-0001

U. S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D21  
Washington, DC 20555-0001

Ann Marshall Young, Chair  
Administrative Judge  
E-mail: [ann.young@nrc.gov](mailto:ann.young@nrc.gov)

Catherine Marco, Esq.  
Brett Klukan, Esq.  
Molly Barkman, Esq.  
Christine Jochim Boote, Esq.  
E-mail:

Richard F. Cole  
Administrative Judge  
E-mail: [richard.cole@nrc.gov](mailto:richard.cole@nrc.gov)

[clm@nrc.gov](mailto:clm@nrc.gov)  
[Brett.Klukan@nrc.gov](mailto:Brett.Klukan@nrc.gov)  
[molly.barkman@nrc.gov](mailto:molly.barkman@nrc.gov)  
[Christine.JochimBoote@nrc.gov](mailto:Christine.JochimBoote@nrc.gov)

Frederick W. Oliver  
Administrative Judge  
E-mail: [fxo1@nrc.gov](mailto:fxo1@nrc.gov)

OGC Mail Center: [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

Docket No. 40-8943-MLA  
 LB ORDER (CONFIRMING MATTERS ADDRESSED AT JULY 7, 2009,  
 SCHEDULING CONFERENCE)

Mark D. McGuire, Esq.  
 McGuire and Norby  
 605 South 14<sup>th</sup> Street, Suite 100  
 Lincoln, NE 68508  
 E-mail: [mdmsjn@windstream.net](mailto:mdmsjn@windstream.net)

Thomas Kanatakeniate Cook  
 1705 So. Maple St.  
 Chadron, NE 69337  
 E-mail: [slmbttsag@bbc.net](mailto:slmbttsag@bbc.net)

Winston & Strawn, LLP  
 101 California Street  
 San Francisco, CA 94111  
 Tyson R. Smith, Esq.  
 Emily J. Duncan  
 Counsel for Crow Butte Resources, Inc.  
 E-mail: [trsmith@winston.com](mailto:trsmith@winston.com)  
[ejduncan@winston.com](mailto:ejduncan@winston.com)

The Oglala Delegation of the Great Sioux Nation  
 Treaty Council  
 Thomas J. Ballanco, Esq.  
 Harmonic Engineering, Inc.  
 945 Taraval Ave. # 186  
 San Francisco, CA 94116  
 E-mail: [HarmonicEngineering1@mac.com](mailto:HarmonicEngineering1@mac.com)

Western Nebraska Resources Council  
 Chief Joseph American Horse  
 Thomas K. Cook, Francis E. Anders  
 David Cory Frankel, Esq.  
 P.O. 3014  
 Pine Ridge, South Dakota 57770  
 E-mail: [arm.legal@gmail.com](mailto:arm.legal@gmail.com)

Owe Oku, Debra White Plume,  
 and David House  
 P.O. Box 2508  
 Rapid City, South Dakota 57709  
 Bruce Ellison, Esq.  
 E-mail: [belli4law@aol.com](mailto:belli4law@aol.com)

Western Nebraska Resources Council,  
 Chief Joseph American Horse, Thomas  
 K. Cook, and Francis E. Anders  
 Shane C. Robinson, Esq.  
 2814 E. Olive St.  
 Seattle, WA 98122  
 E-mail: [shanecrobinson@gmail.com](mailto:shanecrobinson@gmail.com)

Alberto Saldamando  
 International Indian Treaty Council  
 2940 16<sup>th</sup> Street, Suite 205  
 San Francisco, CA 94103-3688  
 E-mail: [alberto@treatycouncil.org](mailto:alberto@treatycouncil.org)

Docket No. 40-8943-MLA  
LB ORDER (CONFIRMING MATTERS ADDRESSED AT JULY 7, 2009,  
SCHEDULING CONFERENCE)

Elizabeth Lornia, Esq.  
Gonzalez Law Firm  
522 7<sup>th</sup> Street, Suite 202  
Rapid City, SD 57701  
E-mail: [elorina@gnzlawfirm.com](mailto:elorina@gnzlawfirm.com)

Debra L. White Plume, Director  
Owe Aku, Bring Back the Way  
P.O. Box 325  
Manderson, SD 57756  
E-mail: [LAKOTA1@gwtc.net](mailto:LAKOTA1@gwtc.net)

[Original signed by R. L. Giitter]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 8<sup>th</sup> day of July 2009.