

WINSTON & STRAWN LLP

101 California Street, San Francisco, California 94111-5894
P: (415) 591-1000 F: (415) 591-1400

Electronic
Letterhead

CHARLOTTE • CHICAGO • GENEVA • LONDON • LOS ANGELES • MOSCOW • NEW YORK • NEWARK • PARIS • SAN FRANCISCO • WASHINGTON, D.C.

TYSON R. SMITH
(415) 591-6874
trsmith@winston.com

July 14, 2009

BY ELECTRONIC INFORMATION EXCHANGE

Administrative Judge Ann Marshall Young
Administrative Judge Richard F. Cole
Administrative Judge Frederick W. Oliver
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop: T-3F23
Rockville, MD 20852

In the Matter of
CROW BUTTE RESOURCES, INC.
(License Amendment for the North Trend Expansion Project, Crawford, Nebraska)
Docket No. 40-8943

RE: Agreement of the Parties Regarding Mandatory Disclosures

Dear Administrative Judges:

The purpose of this letter is to inform you of the agreement of Crow Butte Resources, the Intervenors (formerly Consolidated Petitioners), the Oglala Delegation, the Oglala Sioux Tribe, and the NRC Staff regarding disclosures under 10 C.F.R. § 2.336.

The parties have agreed to the following protocol:

1. The parties may limit the mandatory discovery disclosures to final documents that they develop, and need not include drafts (including comments on drafts, transmittals of drafts, resolution of comments on drafts, and similar documents).
2. If the same document exists in both hard copy and electronic format, a party may produce the electronic copy only.
3. A party need not identify or produce any document that has been served on the other parties to this proceeding.
4. The parties need not identify or produce press clippings.

5. In connection with the NRC Staff's submittal of the hearing file, the NRC Staff will identify all relevant documents available via the NRC's website or ADAMS, as required by 10 C.F.R. §§ 2.336(b) and 2.1203. So long as a document is identified by the NRC Staff in the hearing file, the parties shall not otherwise be required to identify or produce such documents if it is available via the NRC's website or ADAMS.
6. Until the NRC Staff issues the final environmental impact statement ("EIS"), the continuing obligation of the parties under 10 C.F.R. § 2.336(d) to update their respective disclosures is modified so that information or documents subsequently developed or obtained must be disclosed on the first of every month. Initial disclosures are due on August 1, 2009.¹

Sincerely,

/s/ signed electronically by

Tyson R. Smith

cc: EIE Service List

¹ With one exception, this protocol is the same as that being used in the ongoing proceeding involving Crow Butte's application for a renewed license. Here, the parties have agreed here to file supplemental disclosures on the 1st of every month rather than every 30 days.