

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Richard F. Cole
Brian K. Hajek

In the Matter of

CROW BUTTE RESOURCES, INC.

(License Renewal for the In Situ Leach Facility,
Crawford, Nebraska)

Docket No. 40-8943

ASLBP No. 08-867-08-OLA-BD01

August 17, 2012

ORDER

(Concerning Amended Rules of Practice)

On August 3, 2012, the Commission issued a final rule amending its 10 C.F.R. Part 2 rules of practice for licensing proceedings (New Part 2 Rules).¹ The effective date of the New Part 2 Rules is September 4, 2012.² The New Part 2 Rules are not retroactive, however; rather, “the new or amended requirements will be effective and govern all obligations and disputes that arise after the effective date.”³ Accordingly, in this proceeding, the New Part 2 Rules will govern all future obligations after September 4, 2012, including the filing of motions and new or amended contentions and answers thereto, with the exceptions noted below. Our Initial Scheduling Order⁴ remains in effect to the extent that it does not conflict with the New Part 2

¹ Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562 (Aug. 3, 2012).

² Id. at 46,562.

³ Id.

⁴ Licensing Board Initial Scheduling Order (Jan. 8, 2009) (unpublished).

Rules. We note, for example, that the model milestones for Subpart L hearings, which we adopted in the Initial Scheduling Order, have not changed.

With respect to mandatory disclosures and discovery, on March 6, 2009 the Licensing Board issued an order memorializing the parties' agreement that "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 within 30 days."⁵ Revised section 2.336(d) of the New Part 2 Rules states that "[p]arties must update their disclosures every month after initial disclosures on a due date selected by the presiding officer in the order admitting contentions, unless the parties agree upon a different due date or frequency."⁶ Because of the parties' existing agreement, we will hold in place the existing 30-day frequency for disclosures.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 17, 2012

⁵ Licensing Board Order (Regarding Mandatory Disclosures) (Mar. 9, 2009) (unpublished).

⁶ 77 Fed. Reg. at 46,593.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CROW BUTTE RESOURCES, INC.) Docket No. 40-8943-OLA
)
In-Situ Leach Uranium Recovery Facility,)
Crawford, Nebraska)
)
(License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (CONCERNING AMENDED RULES OF PRACTICE)** have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 40-8943-OLA

ORDER (CONCERNING AMENDED RULES OF PRACTICE)

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DOCKET NO. 40-8943-OLA

ORDER (CONCERNING AMENDED RULES OF PRACTICE)

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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 17th day of August 2012