

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman  
Dr. Richard E. Wardwell  
Dr. Thomas J. Hirons

In the Matter of

CROW BUTTE RESOURCES, INC.

(Marsland Expansion Area)

Docket No. 40-8943-MLA-2

ASLBP No. 13-926-01-MLA-BD01

May 28, 2013

MEMORANDUM AND ORDER

(Requesting Initial Prehearing Conference Scheduling  
Information from Intervenor Oglala Sioux Tribe)

In a May 21, 2013 issuance, the Licensing Board requested a joint report from the parties on preferred dates/times in early to mid-June for scheduling an initial prehearing conference. See Licensing Board Memorandum and Order (Requesting Information Regarding Initial Prehearing Conference Scheduling and Availability of NRC Staff Hearing File) (May 21, 2013) at 1 (unpublished). By a May 24 e-mail from counsel for applicant Crow Butte Resources, Inc., (CBR) to the Board's law clerk that was copied to all parties, the requested information was provided relative to CBR and the NRC staff. In that e-mail, however, CBR counsel also indicated that he was unsuccessful in contacting counsel for intervenor Oglala Sioux Tribe (OST) by telephone and e-mail to obtain OST's input by the May 24 noon Eastern Time (ET) deadline specified in the Board's order.

As a consequence, the Board will afford OST an additional opportunity to provide input on this scheduling matter,\* which OST should do by a filing to the docket of this proceeding using the agency's E-Filing system. In that filing, it should specify two or more date/starting time preferences for convening a telephone initial prehearing conference from among the following choices:

Wednesday, June 5, 2013,  
with the starting time between noon and 2:30 p.m. ET

Thursday, June 6, 2013,  
with the starting time between 11:30 a.m. and 2:30 p.m. ET

Thursday, June 13, 2013,  
with the starting time between 11:30 a.m. and 3:30 p.m. ET.

This OST filing shall be submitted on or before Thursday, May 30, 2013.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

**/RA/**

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G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 28, 2013

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\* Previously, the Board noted the lack of a response by OST when such input seemed appropriate. See LBP-13-6, 77 NRC \_\_, \_\_ n.11 (slip op. at 14 n.11) (May 10, 2013). It is the Board's hope that, having sought and been granted party status in this proceeding, OST (as represented by its counsel) is prepared to devote the resources necessary to litigate OST's admitted contentions in a timely manner.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943-MLA-2
	)	
In-Situ Leach Uranium Recovery Facility,	)	ASLBP No. 13-926-01-MLA-BD01
Crawford, Nebraska	)	
	)	
(License Amendment –	)	
Marsland Expansion Area)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Requesting Initial Prehearing Conference Scheduling Information from Oglala Sioux Tribe)** have been served upon the following persons by Electronic Information Exchange.

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Crow Butte Resources, Inc., Docket No. 40-8943-MLA-2

**MEMORANDUM AND ORDER (Requesting Initial Prehearing Conference  
Scheduling Information from Intervenor Oglala Sioux Tribe)**

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[Original signed by Brian Newell]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 28<sup>th</sup> day of May, 2013