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June 10, 2013

BY ELECTRONIC INFORMATION EXCHANGE

Administrative Judge G. Paul Bollwerk, III, Chairman
Administrative Judge Dr. Richard E. Wardwell
Administrative Judge Dr. Thomas J. Hirons
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.
(Marsland Expansion Area)
Docket No. 40-8943-MLA-2

RE: Timing of Pleadings and Need for Settlement Judge

Dear Administrative Judges:

As discussed during the prehearing conference held on June 5, 2013, the parties have conferred regarding the process for filing statements of position/testimony and need for a settlement judge. With respect to the statements of position/testimony, the parties have agreed to a sequential approach. Under the agreed-upon approach, the Oglala Sioux Tribe (OST) would file its initial statement of position and direct testimony first. Crow Butte and the NRC Staff would file their initial statements of position and direct/rebuttal testimony next. Crow Butte and the NRC Staff would file simultaneously. OST would then have an opportunity to file a reply statement of position and rebuttal testimony. The parties also discussed the timing of the filings. The parties agreed that 30 days would be an appropriate interval between OST's initial filing and the Crow Butte and NRC Staff answers, and that OST's reply filings would be due 30 days after the Crow Butte and NRC Staff answers.

The parties have also conferred regarding the need for a settlement judge. At this time, the parties do not believe that a settlement judge is necessary. Crow Butte and OST have

agreed to continue a dialogue on a path to resolving both contentions, and they will involve the NRC Staff in those discussions. The parties will inform the Board if, at a future point in time, it appears that a settlement judge would be helpful in facilitating a resolution of the contentions. The parties will also notify the Board if the parties are able to reach an agreement to resolve either contention.

Sincerely,

/s/ signed electronically by

Tyson R. Smith

cc: EIE Service List