

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

June 14, 2013

MEMORANDUM AND ORDER

(Initial Prehearing Conference and Scheduling Order)

In accord with 10 C.F.R. § 2.332(a), on June 5, 2013, the Licensing Board conducted an initial prehearing conference by telephone with counsel for applicant Crow Butte Resources, Inc. (CBR), the Nuclear Regulatory Commission (NRC) staff, and intervenor Oglala Sioux Tribe (OST). See Tr. at 1–60. During the conference, the Board and the parties discussed various procedural matters relating to this 10 C.F.R. Part 40 license amendment proceeding in which CBR seeks authorization to possess and use the nuclear source material that would be generated by its operation of an in situ uranium recovery (ISR) facility on the so-called Marsland Expansion Area (MEA) site. These items included (1) the section 2.336 mandatory disclosure process and the submission of the staff's hearing file under section 2.1203(a); and (2) the future conduct of, and scheduling regarding, this case relative to the issuance of the staff's draft and final National Environmental Policy Act (NEPA)-related environmental documents and the staff's Atomic Energy Act (AEA)-associated safety evaluation report (SER).

Below, we provide details regarding those discussions and a subsequent e-mail from the parties that furnished additional information on the matter of whether to have prefiled testimony

and supporting materials filed simultaneously or sequentially and the need for a settlement judge at this point in the proceeding. Additionally, included as Appendix A to this issuance is an initial general schedule for this proceeding.

A. Mandatory Disclosure/Hearing File Processes

The parties' mandatory disclosure process and the staff's submission of its hearing file are central elements of the discovery process in this 10 C.F.R. Part 2, Subpart L simplified proceeding. With the Board's May 10, 2013 issuance granting OST's hearing request, see LBP-13-6, 77 NRC __ (May 10, 2013), the mandatory disclosure/staff hearing file submission processes were due to begin on June 10, 2013. See 10 C.F.R. §§ 2.336(a)–(b), 2.1203(a). Based on the discussions during a conference convened by the parties in response to a provision of the Board's May 10 issuance, see LBP-13-6, 77 NRC at __ (slip op. at 52–53), in a May 22 letter to the Board, the parties outlined their agreement that their mandatory discovery disclosures and the submission of the staff's hearing file under 10 C.F.R. §§ 2.336, 2.1203(a)(1) should be postponed until September 9, 2013. See Letter from Tyson R. Smith, CBR Counsel, to Licensing Board at 2 (May 22, 2013). Further, based on the Board's June 5 discussion with the staff about this agreement, see Tr. at 55–57, on June 6 the Board suspended the mandatory disclosure/staff hearing file submission processes pending further order of the Board. See Licensing Board Memorandum and Order (Suspending Time for Filing of Mandatory Discovery Disclosures and NRC Staff Hearing File) (June 6, 2013) at 1–2 (unpublished).

As a consequence of the May 22 letter and our discussion with the parties about discovery matters at the June 5 prehearing conference, see Tr. at 7–17, the Board directs the following relative to the mandatory discovery/staff hearing file processes:

1. The parties may limit their mandatory 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 relevant e-mail exists in multiple locations, each party need produce only one copy of that e-mail. If a chain or string of e-mails exists, the party need only produce the last e-mail in the chain or string provided that last e-mail includes all of the previous e-mails, as well as attachments to those e-mails, and identifies all recipients of the chain or string.
3. If the same document exists in both hard copy and electronic format, a party may produce the electronic copy only.
4. A party need not identify or produce any document that has been served on the other parties to this proceeding.
5. The parties need not identify or produce press clippings.
6. In connection with the staff's submittal of the hearing file, the staff will identify all relevant documents available via the NRC's website or ADAMS, as required by 10 C.F.R. §§ 2.336(b), 2.1203. So long as a document is identified by the staff in the hearing file, the parties are not otherwise required to identify or produce that document.
7. The initial disclosures for all parties should be provided on or before Monday, September 9, 2013, and supplemented on the first day of each month thereafter; provided, however, that for any month in which the first day falls on a weekend or a federal holiday, the required disclosure supplement can be made on the next federal business day.

8. The parties' monthly disclosure supplements should be filed in the docket of this proceeding to the degree they provide document lists or acknowledgments that no disclosable documents have been generated during the period covered by the supplement, but should not include any documents or other materials, whether in hard copy or electronic form, that actually may be exchanged among the parties. Further, those supplements are subject to the caveats outlined in section B below relating to the admission of new and/or amended contentions and the time for submission during the period following the issuance of the earliest of the staff's final NEPA-related environmental document or its AEA-associated SER.

In addition to these items governing the mandatory disclosure/hearing file processes, the Board notes that the parties have agreed to waive the requirement in 10 C.F.R.

§ 2.336(a)(3), (b)(5) to produce a privilege log (e.g., attorney-client communications, attorney work product, deliberative process). The parties also have agreed, however, that they will still produce as part of their disclosures a list of any documents withheld as proprietary or sensitive.¹ Moreover, the parties have agreed to preserve and maintain all discoverable privileged documents, including attorney-client privileged material and attorney work product, during the pendency of this proceeding.

¹ In response to a Board inquiry, CBR committed to (1) taking the lead in coordinating a proposed protective order if one should be necessary for the September 9 initial disclosures; and (2) making that draft available to the Board for its review and approval 30 days in advance of that disclosure date. See Tr. at 15–16. Also with regard to any proprietary or other nonpublic information that needs to be placed in the official docket of this proceeding under the aegis of a protective order, the Board noted that such material currently would be accessible by the parties via the “protective order file” functionality found on the agency’s E-Filing webpage. See Tr. at 16–17.

B. Motions to Admit New or Amended Contentions

Also considered at the June 5 initial prehearing conference was the timing of any OST motion seeking the admission of new or amended contentions. See Tr. at 10–12, 27. This likewise was a matter discussed in the Board’s February 8, 2013 initial prehearing order. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Feb. 8, 2013) at 6 n.8 (unpublished) [hereinafter Initial Prehearing Order]. That issuance specifies that to be considered timely such a motion must be filed within thirty days of the date upon which the information that is the basis of the motion becomes available to OST,² with any response to such a motion due within fourteen days of service of the motion, and any reply to a response due within seven days of service of the response. In this instance, given the staff’s current estimated schedule under which its draft and final NEPA-related environmental documents are to be provided only two months apart (i.e., January 31 and March 31, 2014, respectively),³ see Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board (May 16, 2013), the briefing schedule for any new/amended contentions relating to the staff’s draft NEPA-related environmental document would just be concluded when the final NEPA-related environmental document is issued, which seemingly would trigger another opportunity for submitting

² In response to a Board question during the June 5 initial prehearing conference, CBR counsel acknowledged that, consistent with the Board’s February 2013 initial prehearing order, any OST new/amended contentions (1) based on material first disclosed on the initial September 9 disclosure date; and (2) filed within 30 days of that initial disclosure date, would not be considered untimely. See Tr. at 10–11; see also Initial Prehearing Order at 6 n.8.

³ Upon inquiry from the Board regarding the statement in the Board’s May 10 decision that in this proceeding the staff initially may issue a draft environmental assessment, rather than a draft environmental impact statement, see LBP-13-6, 77 NRC at __ n.32 (slip op. at 49 n.32), the staff acknowledged this Board description was accurate. See Tr. at 19–20. At the same time, the staff asserted such an action would be consistent with the staff’s approach in other ISR proceedings, such as the ongoing CBR North Trend proceeding, in which an amendment is sought to an existing Part 40 license for an operating ISR facility, like the CBR Crawford facility, that would authorize the licensee to operate a nearby satellite facility, like the MEA. See Tr. at 20–21.

new/amended contentions. Under these circumstances, we will provide for an additional, albeit truncated, filing schedule for any new/amended contentions relating to the final NEPA-related environmental document, with any Board decision on new/amended contentions concerning the draft NEPA-related environmental document deferred until after any new/amended contention motion regarding the staff's final NEPA-related environmental document has been fully briefed.⁴

Additionally, the Board will require that, absent some other Board directive, any initial mandatory disclosure update relative to a new or amended contention must be completed by all parties within fourteen days after the new contention is admitted or the requested contention amendment is approved. By the same token, absent some other agreement among the parties, with the issuance of the earliest of the staff's final NEPA-related environmental document or the staff's AEA-associated SER, the period for mandatory disclosures/staff hearing file updates will revert to fourteen days through the close of discovery, with each disclosure covering materials that are developed, obtained, or discovered within seven days of the supplemental disclosure due date. See 10 C.F.R. § 2.336(d).

Also, under the Board's initial prehearing order, as is the case with motions generally, a motion to admit new or amended contentions has a ten-page limit. See Initial Prehearing Order at 4. Nonetheless, as the Board noted in that issuance, if it is contemplated that more than one new or amended contention will be proposed, the Board has a strong preference for the submission of a timely motion to extend the page limit, so as to allow for the filing of one motion

⁴ In the future, if the staff's schedule regarding the issuance of these NEPA-related environmental documents should change so as to provide for significantly more time between its draft and final documents, the Board may extend the briefing schedule relating to new/amended contention motions filed with respect to any final staff NEPA-related environmental document.

encompassing all proposed new/amended contentions, rather than filing separate motions each dealing with a single new or amended contention.⁵ See id. at 4 n.4.

C. Summary Disposition

The Board and the parties also discussed the possible use and timing of section 2.1205 summary disposition motions relative to the two admitted OST contentions. CBR declared that, in the absence of any new and significant information, it likely would not be filing such a motion relative to either of the admitted contentions until after the issuance of the staff's NEPA-related environmental documents or its AEA-associated SER.⁶ See Tr. at 24–25. For its part, the staff indicated that at this point it felt any decision regarding the submission of a dispositive motion would be premature, while OST reserved its right to submit such a motion at an appropriate time. See Tr. at 25–26. Given the current schedule for the staff's submission of its NEPA-related environmental documents, see supra p. 5, this seemingly leaves open the

⁵ Although we will not reiterate their terms here, the parties' are also reminded that the Board's initial prehearing order contains additional directives regarding reply pleadings, time extension motions, mandated certifications concerning attorney consultations prior to filing motions, attachments/enclosures to pleadings, and the number and size of the files that should be used in submitting a pleading or evidentiary exhibit via the agency's E-Filing system. See Initial Prehearing Order at 5–7 & nn.5–8; see also Tr. at 57–58 (counsel pre-motion consultation requirement). These, of course, are intended to provide further guidance and direction relative to the general provisions of the agency's Part 2 rules of practice governing the form, content, and submission of motions and other pleadings found in 10 C.F.R. §§ 2.303–.307, 2.323.

⁶ Both CBR and the staff suggested during the June 5 initial prehearing conference that OST contention 2 regarding hydrogeologic matters may raise both NEPA-related environmental issues and AEA-associated safety matters, the latter of which might involve SER-related new or amended contentions. See Tr. at 22–24. While the Board need not resolve this matter regarding the scope of contention 2 now, in an effort to establish a comprehensive schedule, we provide for an evidentiary hearing based on both contingencies, recognizing the possibility that it may be more efficacious to wait to convene any evidentiary hearing on this contention until after the submission of the final staff NEPA-related environmental document or the AEA-associated SER, whichever is later, so as to permit all aspects of the contention to be heard at one time.

possibility of summary disposition motions in two instances:⁷ (1) after the staff's final NEPA-related environmental document is issued (which is currently scheduled for March 31, 2014); or (2) after the staff's AEA-associated SER is issued (now anticipated for February 4, 2015). See Tr. at 19, 24.

At this juncture, the Board will establish an opportunity to file a dispositive motion for each of these two milestones, per Appendix A to this issuance.⁸ And in that regard, as the attached schedule reflects, following issuance of the staff's final NEPA-related environmental document or the staff's AEA-associated SER,⁹ such a motion will need to be filed promptly in connection with (1) an already admitted contention, i.e., within seven days after the close of the period for amending admitted contentions if no amendments regarding a contention are filed; or (2) any admitted new or amended contention, i.e., within seven days after the parties complete their mandatory disclosures regarding any admitted new or amended contention.

⁷ Although a dispositive motion might be entertained after the submission of the staff's draft NEPA-related environmental document, given the current staff schedule in which there is only two months between the draft and final NEPA-related environmental documents, scheduling such a filing is impractical. Nonetheless, as is the case with new/amended contention motions, see supra note 4, if the schedule associated with these documents changes, the schedule for this proceeding might be revised as well to accommodate a post-draft environmental document dispositive motion.

⁸ If prior to either of these two events any of the parties believes that a dispositive motion will lie relative to either of the OST contentions, it should submit that motion promptly in accord with the timing provision of section 3.323(a)(2).

⁹ The evidentiary hearing schedule included in Appendix A is predicated on the filing of dispositive motions on admitted contentions following issuance of the staff's final NEPA-related environmental document or its AEA-associated SER. As the Board pointed out during the June 5 conference, filing such motions after the issuance of these documents can add six to eight weeks to the schedule because the Board would not be inclined to have any prefled testimony submitted until any post-final environmental document or SER dispositive motions are resolved. See Tr. at 26–27. If, on the other hand, the parties advise the Board well in advance that no dispositive motions are planned after issuance of the staff's final environmental document or SER, then an alternative evidentiary hearing schedule can be established that would begin the hearing sooner.

Regarding the times for responses to a dispositive motion, because section 2.1205, which is applicable in 10 C.F.R. Part 2, Subpart L simplified proceedings, does not provide any time limits for such filings, the Board will look to section 2.710(a), which is applicable to Part 2, Subpart G formal proceeding dispositive motions, and the time limits specified there. In doing so, however, the Board finds that the time limits specified in section 2.710(a) can be structured somewhat more efficiently. Under section 2.710(a), any response to a summary disposition motion, whether in support of or opposition to that motion, must be filed within twenty days of the motion. If, however, a party to this proceeding wants to file a response in support of another party's summary disposition motion, that response shall be filed within ten days of the motion. And if such a supporting response is filed,¹⁰ within fourteen days of the supporting response any response opposing the motion shall be filed, which should address both the motion and the supporting response.

Finally, concerning page limits applicable to dispositive motions, as was discussed during the June 5 conference, see Tr. at 27–28, the Board will set a twenty-five page limit on such motions and responses. Further, given the possibility that dispositive motions regarding different contentions may be filed at different times, that page limit applies on a per contention basis. Moreover, in contrast to the submission of motions to admit new/amended contentions, see supra p. 7, it is the Board's preference that if summary disposition is sought, each admitted contention should be the subject of a separate dispositive motion and responses. Additionally, the twenty-five page limit does not apply to attachments to the motion/responses or to the separate, short, concise statements of material facts as to which there is no genuine issue to be

¹⁰ If a supporting response is not filed, then any response opposing the summary disposition motion shall be filed within 20 days of the submission of the motion.

heard or material facts as to which there exists a genuine issue to be heard that should be filed with each dispositive motion/opposing response.

D. Pre-Evidentiary Hearing Events

Assuming that one or both of the admitted contentions ultimately are to be the subject of an evidentiary hearing, there are a number of scheduling items that would come into play. One is a final list of potential witnesses, which should be provided, at the latest, in conjunction with a party's direct prefiled testimony. See Tr. at 29–30. Scheduling consideration must also be given to a deadline for any request to use alternative procedures for the hearing, including using Subpart N “oral hearing” procedures or allowing witness cross-examination by counsel (in lieu of Board-only questioning of witnesses) pursuant to section 2.1204(b). See Tr. at 30–33, 34–36. The attached schedule provides these opportunities, in the case of the former at the time any post-final NEPA-related environmental document or AEA-associated SER summary disposition motions are filed, while permission for counsel to engage in the latter can be sought when suggested Board witness examination questions are filed.¹¹

Also during the conference, the Board and the parties discussed the pros and cons of simultaneous v. sequential submission of prefiled witness testimony. See Tr. at 36–44. In line with the parties' agreement as reflected in their post-conference letter to the Board, see Letter from Tyson R. Smith, CBR Counsel, to Licensing Board at 1 (June 10, 2013) [hereinafter June 10 Letter], the Appendix A schedule calls for sequential written statements of position and written direct testimony with supporting affidavits and prefiled evidentiary material, first from

¹¹ As the Board noted during the conference, any proposed party witness examination questions for the Board or the proposed cross-examination plan that is to accompany a section 2.1204(b) motion for cross-examination are to be submitted using the “in camera” submission functionality in the agency's E-Filing system so as to avoid having the proposed questions/plan viewed by other parties or placed on the public record prematurely. See Tr. at 32–33, 34–35.

intervenor OST, followed by simultaneous responsive filings from CBR and the staff, and concluding with rebuttal filings from OST.¹² Moreover, given this sequential filing arrangement, the Board will provide one opportunity for submitting party-proposed Board witness examination questions at the end of this process.

Finally, although the Board pointed out that motions in limine may have, at most, only marginal utility in a Subpart L proceeding in which generally only the Board will be questioning witnesses based on its assessment of the relevance/significance of the parties' prefiled evidentiary submissions, given the parties apparent preference for filing such motions, see Tr. at 44–46, the schedule provides an opportunity for such motions and party responses regarding both the initial, responsive, and rebuttal pre-filed testimony. Nonetheless, this is a matter the Board intends to revisit with the parties as they become more familiar with the nature and scope of their prefiled evidentiary submissions.¹³

E. Evidentiary Hearing

Given the two contentions before the Board, we would estimate currently that any evidentiary hearing is unlikely to last more than two or three days. And in that regard, the parties should anticipate that they will need some process (and associated infrastructure, such as a laptop and a portable printer) that will permit them during the course of the hearing to

¹² We note that using the parties' agreed-to sequential filing scheme, rather than employing simultaneous filings, adds approximately one month to the hearing schedule.

¹³ During the conference, the Board advised the parties that the filing of such motions and responses can add four to five weeks to the hearing schedule. See Tr. at 44. Moreover, these motions generally are filed following the issuance of the final NEPA-related environmental document or the AEA-associated SER and in close proximity to the beginning of the evidentiary hearing when the parties are also trying to prepare their witnesses and the Commission's Part 2, Appendix B guidelines ask that the parties and the Board accomplish a number of other potentially difficult tasks in a very short time frame. Consequently, in arriving at the attached Appendix A schedule, the Board has tried to balance the time concerns expressed by the Board with the demands of the Part 2 Appendix B guidelines and the filing deadlines specified in section 2.1207.

provide the Board promptly with additional proposed witness examination questions based on the witness testimony elicited by Board questions. The Board also indicated during the prehearing conference that the possibility existed that it would hold any evidentiary hearing in the vicinity of the MEA site, and that it may conduct a site visit given the parties' statements that they thought such a visit would be useful. See Tr. at 51–53.

F. Miscellaneous Items

During the conference, the Board also raised the possibility of reaching a settlement regarding one or both of the admitted contentions, as well as the possible appointment of a settlement judge to aid in that process, see 10 C.F.R. § 2.338(b), which the parties indicated they would consider and discuss further as appropriate. See Tr. at 48–51. In their June 10 letter to the Board, the parties indicated that they do not believe that a settlement judge is needed at this juncture. See June 10 Letter at 1–2. Nonetheless, if at any time the parties believe it would be appropriate for the Board to convene an additional conference to discuss this (or any other) prehearing matter, they are urged to contact the Board promptly with that request.

Finally, given the significance of the staff's NEPA-related environmental and AEA-associated safety review schedules to the schedule for the conduct of this adjudicatory proceeding, see 10 C.F.R. § 2.332(d), the Board requests that the staff promptly bring any changes in those schedules to the attention of the Board and the other parties.

Pursuant to 10 C.F.R. § 2.329(e), any objections to, or other comments regarding, this memorandum and order shall be filed on or before Friday, June 21, 2013.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 14, 2013

APPENDIX A

Dated: 6/14/2013

GENERAL SCHEDULE -- Crow Butte Resources, Inc. (Marsland Expansion Area) Proceeding

Event	NEPA-Related Environmental Contentions	AEA-Associated Safety Contentions
Licensing Board Order on Standing/Admissibility of Contentions	May 10, 2013	May 10, 2013
Mandatory Disclosures and Staff Hearing File Due	Sept. 9, 2013	Sept. 9, 2013
NRC Staff's Draft Environmental Document Issued	Jan. 31, 2014	Not Applicable (N/A)
New/Amended Contention Motions Due	Mar. 3, 2014	N/A
Answers to New/Amended Contention Motions Due	Mar. 17, 2014	N/A
Replies to Answers re New/Amended Contention Motions Due	Mar. 24, 2014	N/A
Final SER Issued	N/A	Feb. 4, 2015
Final Staff Environmental Document Issued	Mar. 31, 2014	N/A
New/Amended Contention Motions Due	Apr. 14, 2014	Mar. 6, 2015
Answers to New/Amended Contention Motions Due	Apr. 24, 2014	Mar. 20, 2015
Replies to Answers re New/Amended Contention Motions Due	May 1, 2014	Mar. 27, 2015
Licensing Board Ruling on New/Amended Contention Admission	June 2, 2014	Apr. 27, 2015
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	June 16, 2014	May 11, 2015
Summary Disposition Motions re Admitted Contentions ¹ /Motion to Invoke Subpart N Procedures Due	June 23, 2014	May 18, 2015
Responses Supporting Summary Disposition Motion Due ²	July 3, 2014	May 28, 2015
Responses Opposing Summary Disposition Motion Due	July 18, 2014	June 11, 2015

¹ If no new/amended contentions are submitted or no new/amended contentions are admitted/approved, the summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions for new/amended contentions were due or were denied.

² If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within 20 days of the date of the dispositive motion.

Event	NEPA-Related Environmental Contentions	AEA-Associated Safety Contentions
Licensing Board Ruling on Summary Disposition Motions	Aug. 18, 2014	July 13, 2015
Intervenor's Initial Position Statement/Prefiled Direct Testimony Due	Aug. 25, 2014	July 20, 2015
In Limine Motions on Prefiled Direct Testimony Due	Aug. 29, 2014	July 24, 2015
In Limine Motion Responses Due	Sept. 4, 2014	July 29, 2015
Licensing Board Ruling on In Limine Motions	Sept. 12, 2014	Aug. 7, 2015
Applicant/Staff Response Statements/Prefiled Response Testimony Due	Sept. 24, 2014	Aug. 19, 2015
In Limine Motions on Prefiled Response Testimony Due	Sept. 29, 2014	Aug. 24, 2015
In Limine Motion Responses Due	Oct. 6, 2014	Aug. 29, 2015
Licensing Board Ruling on In Limine Motions	Oct. 14, 2014	Sept. 4, 2015
Intervenor's Rebuttal Statement/Prefiled Rebuttal Testimony Due	Oct. 24, 2014	Sept. 18, 2015
In Limine Motions on Prefiled Rebuttal Testimony Due	Oct. 29, 2014	Sept. 23, 2015
In Limine Motion Responses Due	Nov. 3, 2014	Sept. 28, 2015
Licensing Board Ruling on In Limine Motions	Nov. 10, 2014	Oct. 5, 2015
Proposed Cross-Examination Questions/Requests for Cross-Examination Due	Nov. 17, 2014	Oct. 13, 2015
Responses to Requests for Cross-Examination Due	Nov. 24, 2014	Oct. 20, 2015
Licensing Board Ruling on Requests for Cross-Examination	Dec. 1, 2014	Oct. 27, 2015
Evidentiary Hearing	Dec. 9–11, 2014	Nov. 3–5, 2015
Proposed Findings of Fact/Conclusions of Law Due	Jan. 12, 2015	Dec. 7, 2015
Reply Findings of Fact/Conclusions of Law Due	Feb. 11, 2015	Jan. 6, 2016
Licensing Board Initial Decision	Mar. 30, 2015	Feb. 22, 2016

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 (Initial Prehearing Conference and Scheduling Order)** 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 (Initial Prehearing Conference and Scheduling Order)

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

Dated at Rockville, Maryland
this 14th day of June, 2013