

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

March 20, 2014

MEMORANDUM AND ORDER
(Revised General Schedule)

In response to a March 11, 2014 Licensing Board order revising the general schedule for this proceeding to reflect slippage in the NRC staff's schedules for issuing its draft and final environmental review documents and its safety evaluation report, by letter submitted that same day the staff advised the Board that the staff's previous references to these documents as being issued "by" May, July, and August 2015, respectively, were meant to reflect the estimated issuance dates of May 29, July 31, and August 31, 2015, rather than the date of the last business day of the preceding month utilized by the Board in its revised general schedule. See Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board at 1 (Mar. 11, 2014); see also Licensing Board Memorandum and Order (Revised General Schedule) (Mar. 11, 2014) at 1-2 & n.1 (unpublished) [hereinafter March 11 Revised General Schedule]. With that clarification, and the parties having provided no further comments on the Board's March 11

revised scheduling order,* included as Appendix A to this issuance is the revised general schedule for this proceeding that incorporates this staff clarification regarding its environmental and safety review schedules.

Consistent with 10 C.F.R. § 2.329(e), any objections to, or other comments regarding, this memorandum and order shall be filed within five days after it is served.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 20, 2014

* Because of the alignment in the staff's environmental and safety review schedules, with the final staff environmental and safety documents being issued one month apart, in its March 11 revised general schedule the Board provided for a unitary evidentiary hearing on all admitted contentions, whether environmental or safety. Additionally, the Board invited the parties, individually or jointly, to comment on this approach, as well as on whether the schedules associated with new/amended contentions and summary disposition for safety and environmental contentions based on these staff environmental and safety documents also should be conflated. See March 11 Revised General Schedule at 3 n.2. Having heard nothing from the parties regarding either the adoption of a unitary hearing schedule or the possible use of a unitary schedule for filing new/amended contentions and summary disposition motions relative to the final staff environmental and safety documents, the Board will retain the approaches outlined in its March 11 order, albeit leaving open the possibility that it may review and revise either approach based on future developments regarding the staff's environmental and safety review schedules.

APPENDIX A

Dated: 3/20/2014

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	May 29, 2015	Not Applicable (N/A)
New/Amended Contention Motions Due	June 29, 2015	N/A
Answers to New/Amended Contention Motions Due	July 13, 2015	N/A
Replies to Answers re New/Amended Contention Motions Due	July 20, 2015	N/A
Final Staff Environmental Document Issued	July 31, 2015	
Final SER Issued		Aug. 31, 2015
New/Amended Contention Motions Due	Aug. 31, 2015	Sept. 30, 2015
Answers to New/Amended Contention Motions Due	Sept. 14, 2015	Oct. 14, 2015
Replies to Answers re New/Amended Contention Motions Due	Sept. 21, 2015	Oct. 21, 2015
Licensing Board Ruling on New/Amended Contention Admission	Oct. 21, 2015	Nov. 20, 2015
Admitted New/Amended Contention Mandatory Disclosure Updates Completed	Nov. 4, 2015	Dec. 4, 2015
Summary Disposition Motions re Admitted Contentions ¹ /Motion to Invoke Subpart N Procedures Due	Nov. 12, 2015	Dec. 11, 2015
Responses Supporting Summary Disposition Motion Due ²	Nov. 23, 2015	Dec. 21, 2015
Responses Opposing Summary Disposition Motion Due	Dec. 7, 2015	Jan. 4, 2016

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	Jan. 8, 2016	Feb. 3, 2016
Evidentiary Hearing Schedule	All Admitted Contentions	
Intervenor's Initial Position Statement/Prefiled Direct Testimony Due	Feb. 10, 2016	
In Limine Motions on Prefiled Direct Testimony Due	Feb. 16, 2016	
In Limine Motion Responses Due	Feb. 22, 2016	
Licensing Board Ruling on In Limine Motions	Feb. 29, 2016	
Applicant/Staff Response Statements/Prefiled Response Testimony Due	Mar. 10, 2016	
In Limine Motions on Prefiled Response Testimony Due	Mar. 15, 2016	
In Limine Motion Responses Due	Mar. 21, 2016	
Licensing Board Ruling on In Limine Motions	Mar. 28, 2016	
Intervenor's Rebuttal Statement/Prefiled Rebuttal Testimony Due	Apr. 11, 2016	
In Limine Motions on Prefiled Rebuttal Testimony Due	Apr. 15, 2016	
In Limine Motion Responses Due	Apr. 20, 2016	
Licensing Board Ruling on In Limine Motions	Apr. 27, 2016	
Proposed Cross-Examination Questions/Requests for Cross-Examination Due	May 4, 2016	
Responses to Requests for Cross-Examination Due	May 11, 2016	
Licensing Board Ruling on Requests for Cross-Examination	May 18, 2016	
Evidentiary Hearing	May 31-June 2, 2016	
Proposed Findings of Fact/Conclusions of Law Due	July 1, 2016	
Reply Findings of Fact/Conclusions of Law Due	Aug. 1, 2016	
Licensing Board Initial Decision	Sept. 16, 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 (Revised General Schedule)** 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 (Revised General Schedule)

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

Dated at Rockville, Maryland
this 20th day of March, 2014