

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

January 13, 2016

MEMORANDUM AND ORDER
(Scheduling Prehearing Conference)

In response to the Licensing Board's January 6, 2016 memorandum and order concerning the schedule for a telephone prehearing conference with the parties, see Licensing Board Memorandum and Order (Requesting Scheduling Information for Prehearing Conference) (Jan. 6, 2016) at 2 (unpublished), a spokesperson for the parties contacted the Board on January 11 regarding their availability for the conference. Based on the information provided, the conference is being scheduled for Tuesday, January 26, 2016, beginning at 1:00 p.m. Eastern Time.¹

¹ The January 11 e-mail from the parties regarding the January 26 prehearing conference date indicated that counsel for intervenor Oglala Sioux Tribe (OST) would like the opportunity to meet in person with OST members in South Dakota before the conference call so he can be fully informed before the call, but that the conference date and winter weather may make that difficult. Given that the focus of the discussion in this conference will be on procedural matters, it is the Board's very strong preference that this conference go forward as scheduled on January 26. As was the case with the prior prehearing conference in this proceeding, see Licensing Board Memorandum and Order (Initial Prehearing Conference and Scheduling Order) (June 14, 2013) at 10 (unpublished), if there are matters that dictate further post-conference discussion among the parties or between counsel and his/her client, during the
(continued...)

The Licensing Board will establish a bridge line for this conference, with two lines provided for each party.² In the near future, Board personnel will contact the parties with instructions on how to access the telephone bridge. In addition, the Board will provide a “listen only” capability for members of the public, with access information available in the near future via an NRC website notice regarding the prehearing conference.

During the conference, the Board would like to discuss with the parties (1) NRC staff plans for the public availability of the balance of its draft environmental assessment/finding of no significant impact (EA/FONSI);³ (2) potential filing of new/amended contentions; (3) submission of summary disposition motions; (4) seriatim rather than simultaneous submission of prefiled

¹(...continued)
prehearing conference provision can be made for such discussions.

² If any party requires additional lines, it should promptly contact Board law clerk Cooper Strickland at cooper.strickland@nrc.gov.

³ Specifically, the Board is interested in exploring how the staff's plan not to make the balance of its draft EA/FONSI publicly available, see Licensing Board Memorandum and Order (Revised General Schedule) (Apr. 30, 2014) at 1-2 (unpublished) (noting that while cultural resources portion of draft EA will be issued in June 2014 for public comment, balance of EA will not be made publicly available until issuance of final version), is consistent with its approach in the pending in situ recovery proceeding regarding applicant Crow Butte Resources, Inc.'s North Trend Expansion Project, see Crow Butte Res., Inc. (North Trend Expansion Project), Docket No. 40-8983-MLA, Letter from David M. Cylkowski, NRC Staff Counsel, to Licensing Board (June 15, 2015) at 1 (indicating staff intends to publish draft EA for 30-day public comment period); see also 10 C.F.R. § 51.33.

testimony and position statements; (5) submission of in limine motions; and (6) party/witness availability for a one-to-three-day hearing during the April-September 2017 time frame.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 13, 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 (Scheduling Prehearing Conference)** 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 (Scheduling Prehearing Conference)

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

Dated at Rockville, Maryland
this 13th day of January, 2016