

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

February 11, 2016

MEMORANDUM AND ORDER  
(Revised General Schedule)

In this proceeding regarding the pending application of Crow Butte Resources, Inc., (CBR) for an amendment to CBR's existing 10 C.F.R. Part 40 license authorizing construction and operation of the Marsland Expansion Area (MEA) in situ uranium recovery (ISR) facility, the Nuclear Regulatory Commission (NRC) staff in a December 24, 2015 letter provided the Licensing Board with the staff's revised schedule for issuing its draft and final environmental assessment (EA) and finding of no significant impacts (FONSI) and its final safety evaluation report (SER).<sup>1</sup> In that letter, the staff indicated that it currently anticipates issuing the balance of

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<sup>1</sup> See Letter from David M. Cylkowski, NRC Staff Counsel, to Licensing Board at 1 (Dec. 24, 2015) [hereinafter December 24 Staff Letter]. This letter was a follow-on to a November 24, 2015 staff letter in which, acting pursuant to a June 24, 2015 Board order, the staff advised the Board that CBR had finally provided its answers to pending staff requests for additional information (RAI) such that the staff should be in a position to provide the Board with a new schedule for EA/SER issuance by December 28, 2015. See Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board at 1 (Nov. 24, 2015) [hereinafter November 24 Staff Letter]; see also Licensing Board Memorandum and Order (Request for Additional Update Regarding Timing of Issuance of Final NRC Staff Safety and Environmental Documents) (June 24, 2015) at 1–2 (unpublished). In both its November 24 and December 24 letters, the

(continued...)

its draft EA/FONSI by August 31, 2016,<sup>2</sup> and its final EA/FONSI and SER by November 30, 2016.<sup>3</sup> See December 24 Staff Letter at 1.

In response to that letter, the Licensing Board contacted the parties and arranged for a January 26, 2016 telephone prehearing conference to discuss various matters relating to establishing a revised general schedule for this proceeding, including an evidentiary hearing regarding any admitted contentions.<sup>4</sup> Based on the information provided by the parties during that prehearing conference, see Tr. at 61–141, the Board is establishing the revised general schedule set forth in Appendix A to this issuance. Below, we provide some additional explanation concerning various aspects of this schedule.

A. Submission of New/Amended Contentions and Mitigation Declarations

Previously, the Board treated the staff's public issuance of the portion of its draft EA relating to cultural resources, see supra note 2, as triggering an opportunity for intervenor Oglala Sioux Tribe (OST) to file new/amended contentions regarding that part of the draft EA.

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<sup>1</sup>(...continued)

staff noted that its EA/SER schedules are contingent upon a staff finding that CBR's RAI responses for health physics are sufficient when they are reviewed by the staff beginning in March 2016. See December 24 Staff Letter at 1; November 24 Staff Letter at 1.

<sup>2</sup> The staff previously issued the cultural resources portion of its draft EA for public comment on June 30, 2014. See Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board at 1 (June 30, 2014) .

<sup>3</sup> Although the staff indicated it would issue its draft EA/FONSI and its final EA/FONSI and SER "by" the last days of August and November 2016, respectively, December 24 Staff Letter at 1, for scheduling purposes we will assume that the issuance dates are the last days of those months, i.e., August 31, 2016, and November 30, 2016, respectively. See Tr. at 138–39; see also Licensing Board Memorandum and Order (Revised General Schedule) (Apr. 30, 2014) at 2 n.1 (unpublished) [hereinafter April 30 Order].

<sup>4</sup> See Licensing Board Memorandum and Order (Requesting Scheduling Information for Prehearing Conference) (Jan. 6, 2016) (unpublished); Licensing Board Memorandum and Order (Scheduling Prehearing Conference) (Jan. 13, 2016) (unpublished) [hereinafter January 13 Order]; Licensing Board Memorandum (Regarding NRC Staff Filing and Telephone Conference Status Information) (Jan. 21, 2016) (unpublished) [hereinafter January 21 Memorandum].

See April 30 Order at 2; id. app. A, at 1. For consistency, in scheduling the January 26 conference one of the items the Board indicated it wanted more information about was the status of the balance of the staff's draft EA/FONSI as a document that could trigger another such opportunity.

Back in April 2014, the staff indicated to the Board that the non-cultural resources portion of its draft EA/FONSI would be issued solely to the Nebraska Department of Environmental Quality (NDEQ), so that this remaining portion of the staff's EA/FONSI would be made publicly available for the first time only upon issuance of the final version of the EA/FONSI. See April 30 Order at 1–2 (citing Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board (Apr. 9, 2014) at 1 & n.2). In its scheduling order for the January 26 prehearing conference, the Board stated its intent to inquire about whether this approach was consistent with the staff's subsequently announced approach regarding CBR's North Trend Expansion Project. See January 13 Order at 2 & n.3 (citing Crow Butte Res., Inc. (North Trend Expansion Project), Docket No. 40-8983-MLA, Letter from David M. Cylkowski, NRC Staff Counsel, to Licensing Board at 1 (June 15, 2015) (staff intends to publish draft EA for 30-day public comment period)). In a letter submitted prior to the January 26 conference, however, the staff clarified that publication of the balance of the draft MEA EA would be for public comment.<sup>5</sup> See January 21 Memorandum at 1 (citing Letter from Emily Monteith, NRC Staff Counsel, to Licensing Board at 1 (Jan. 19, 2016)).

In light of this clarification, and consistent with the Board's approach to the June 2014 publication of the draft EA's cultural resources portion, in the attached revised schedule the

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<sup>5</sup> During the January 26 prehearing conference, the staff also clarified that the draft EA scheduled to be issued by the end of August 2016 will contain the cultural resources portion previously issued for public comment in June 2014, albeit without any changes. See Tr. at 76–77. Presumably, any revisions to the cultural resources portion of the draft EA will be incorporated into the final EA.

Board has made publication of the balance of the staff's draft EA/FONSI the "trigger" for filing any new/amended environmental contentions regarding the balance of the draft EA. This would include the submission of any new contention asserting that an environmental impact statement rather than an EA is required in this proceeding. Further, as was the case previously, the Board will provide an opportunity for filing new/amended contentions regarding the staff's final EA/FONSI and its final SER. Moreover, consistent with our initial scheduling order in this case that established the motion/response/reply filing timing associated with new/amended contentions as being 30/14/7 days, respectively, see Licensing Board Memorandum and Order (Initial Prehearing Order) (Feb. 8, 2013) at 6 n.8 (unpublished), and which we followed relative to new/amended contentions associated with the cultural resources portion of the draft EA, see April 30 Order app. A, at 1, we will apply that same schedule to both the remaining portion of the draft EA and the final EA/FONSI and SER.<sup>6</sup>

Additionally, we previously have referenced the fact that, in the face of new staff licensing review documents, admitted contentions can migrate, i.e., a contention based on an earlier licensing document, such as the applicant's environmental report (ER) or a staff draft EA, does not have to be the subject of a formal amendment request under 10 C.F.R. § 2.309(c)(1) for the contention to become a challenge to a later environmental document to the degree that the information (or lack of information) in the newer document is sufficiently similar to the information (or lack of information) being challenged in the prior document. See April 30 Order at 2 n.2 (citing Strata Energy, Inc. (Ross In Situ Recovery Uranium Project), LBP-13-10,

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<sup>6</sup> We note also the Board's previous guidance concerning page limitations associated with new/amended contention motions and the filing of 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 Licensing Board Memorandum and Order (Initial Prehearing Conference and Scheduling Order) (June 14, 2013) at 6-7 & n.5 (unpublished) [hereinafter June 14 Order].

78 NRC 117, 130–34 (2013)). So there is no doubt regarding OST’s position concerning the status of any admitted contentions, we request that at the time any motion to admit new/amended contentions is due regarding either the staff’s draft EA/FONSI or its final EA/FONSI or SER, OST provide a submission indicating whether, and if so why, it believes any admitted contention should migrate. This submission may be in conjunction with (or an argument in the alternative regarding, see Ross, LBP-13-10, 78 NRC at 143 n.15) any motion for the admission of new/amended contentions that OST files.<sup>7</sup>

B. Summary Disposition

Summary disposition was another of the designated topics for the January 26 prehearing conference. During that conference, we noted that intervenor OST currently has only one admitted contention in this proceeding,<sup>8</sup> an environmental/safety issue denominated as OST Contention 2: Failure to Include Adequate Hydrogeological Information to Demonstrate Ability to Contain Fluid Migration. See Tr. at 75; see also LBP-13-6, 77 NRC at 306. Upon inquiry from the Board about whether summary disposition was an appropriate procedural mechanism for

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<sup>7</sup> During the January 26 conference, we also observed that to the extent OST believes there is new information, whether from a staff license review document, a Commission or board decision, or some other source, that provides the basis for a new/amended contention, OST is best served by bringing that new/amended issue statement before the Board sooner rather than later. See Tr. at 84–85.

<sup>8</sup> The Board initially admitted an additional contention, OST Contention 1: Failure to Meet Applicable Legal Requirements Regarding Protection of Historical and Cultural Resources, based on an OST challenge to the cultural resources portion of CBR’s ER. See LBP-13-6, 77 NRC 253, 306 (2013), aff’d, CLI-14-2, 79 NRC 11 (2014). But following the June 2014 staff issuance of the cultural resources portion of its draft EA, OST having filed no new/amended contention regarding cultural resource issues based on the draft EA, the Board entertained and subsequently granted a staff summary disposition motion regarding OST Contention 1. See Licensing Board Memorandum and Order (Ruling on Motion for Summary Disposition Regarding Oglala Sioux Tribe Contention 1) (Oct. 22, 2014) at 15 (unpublished). As we observed during the conference, see Tr. at 84, once a petitioner is admitted as a party to a proceeding as having standing and one or more admissible contentions, such interlocutory rulings, including Board rulings dismissing contentions as inadmissible, are appealable following the Board’s merits decision in the proceeding. See Fla. Power & Light Co. (Turkey Point Units 6 and 7), CLI-16-1, 83 NRC \_\_, \_\_ & n.18, \_\_ (slip op. at 5 & n.18, 8) (Feb. 5, 2016).

this contention, the admissibility of which has been upheld by the Commission, see supra note 8, and which appears to be heavily fact-dependent, all the parties indicated that they did not plan to file a dispositive motion regarding this contention. See Tr. at 87–88.

Because Contention 2 is the sole admitted contention in this proceeding, arguably no time needs to be built into the general schedule for summary disposition.<sup>9</sup> As counsel for CBR and the staff pointed out, however, additional contentions may be admitted that, for instance, are based on the staff's draft or final EA or its SER. See Tr. at 87–88. If that does become the case, the Board will have to determine whether to permit such motions or proceed to an evidentiary hearing on the additional contentions. See Tr. at 89.

C. Sequencing of Parties' Prefiled Testimony/Statements of Position

As part of a June 2013 prehearing conference held in this proceeding, the Board discussed with the parties the sequence in which party prefiled testimony/statements of position would be filed. At that juncture, CBR indicated a preference for simultaneous filing, OST (then represented by different counsel) favored seriatim/sequential filing (with CBR and the staff filing first), and the staff indicated it had no strong preference either way. See Tr. at 37–39. At the Board's suggestion, the parties held additional discussions on this point and subsequently advised the Board that they had agreed to sequential filings with OST going first, a preference the Board adopted. See June 14 Order at 10–11.

During the January 26 conference, referencing the recent experience of Board members assigned to this case in the 10 C.F.R. Part 2, Subpart L Strata and Crow Butte License Renewal cases, we again raised with the parties the question of timing for submitting party prefiled

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<sup>9</sup> This approach also is consistent with our desire, now that the staff's license review activities have been restarted, to move this proceeding to a merits resolution expeditiously, an outcome that arguably has been forestalled in the related Crow Butte North Trend and Crow Butte License Renewal proceedings, albeit not for lack of trying by the licensing boards presiding over those cases. See, e.g., Crow Butte Res., Inc. (In Situ Leach Facility, Crawford, Nebraska), LBP-15-2, 81 NRC 48, 59–64 (2015) (Board Commentary on Staff Delay).

testimony/position statements. This time, their expressed preferences were somewhat different. Both CBR and the staff (albeit without a strong preference) supported sequential filings with OST going first, per the Board's prior scheduling order, while OST's new counsel expressed a strong preference for simultaneous filings based on recent experience with the Crow Butte License Renewal case. See Tr. at 90–92. According to CBR and the staff, they supported seriatim filings, particularly with regard to the admitted hydrogeology contention, to avoid having to “overbrief” the subject with their initial testimony to deal with anticipated subjects. See Tr. at 92–93. OST, in contrast, argued that NRC procedures were sufficient to ensure that the fundamentals of the testimony that will be offered are disclosed prior to the hearing. See Tr. at 94.

After considering this issue again, we have decided to use simultaneous filing of pre-filed testimony/position statements for this proceeding. We recognize that this approach has the potential to place some additional burden on CBR and the staff in that in their initial pre-filed testimony/position statements, they may have to anticipate to a greater degree what will be covered in OST's initial filings. Putting aside the fact that this concern is endemic to any Subpart L proceeding,<sup>10</sup> several factors arguably make that potential of less significance here, including the fact that CBR and the staff likely are already acquainted with the OST witnesses and the general nature of their testimony relative to admitted Contention 2, see Tr. at 111, and that (as we discuss in section D below) we will allow in limine motions, which may narrow the scope of any CBR or staff pre-filed rebuttal testimony.

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<sup>10</sup> Since discovery in Subpart L proceedings generally is limited to disclosure of documents and witness lists and analyses, see 10 C.F.R. § 2.336(a), parties do not have access to other traditional discovery tools, such as depositions, interrogatories, and requests for admissions, that might better permit each party to obtain a “preview” of likely witness testimony and party positions.

D. In Limine Motions

In limine motions/motions to strike was another subject matter we revisited with the parties. During the June 2013 prehearing conference, the Board expressed some concern about the usefulness of such motions in Subpart L proceedings given the primary role of the Board in questioning witnesses and making determinations about the materiality/relevance of the testimony provided by the parties. See Tr. at 44–45. The parties, however, were in agreement that such motions should be allowed in this proceeding. See Tr. at 45–46. In the course of the January 26 prehearing conference, based again on Board member experience in the Strata and Crow Butte License Renewal cases, we raised this issue once more. See Tr. at 95–96. Although continuing to support the filing of such motions, the staff suggested, and OST and CRB both supported, an approach whereby, as was done in the Crow Butte License Renewal case, the Board would defer any ruling on the substance of the motions until the time of the Board’s initial decision on the merits. See Tr. at 96–103.

While the Board is in agreement with the thrust of the parties’ approach, we do note that in the Crow Butte License Renewal case, while deferring its ruling on a number of items, the board there did use the opportunity afforded by the parties in limine motions/motions to strike to refuse to admit into the evidentiary record some pre-filed material that it found inappropriate. See Crow Butte Res., Inc. (In Situ Leach Facility, Crawford, Nebraska), Docket No. 40-8943-OLA, Tr. at 931–33. Along the same lines, we will continue to provide the parties here with the opportunity to file such motions regarding both the parties’ direct and rebuttal pre-filed evidentiary material and provide for a brief period for any Board rulings on those motions, with the expectation that some (or all) Board rulings on materiality/relevance may be deferred to its initial decision.<sup>11</sup>

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<sup>11</sup> In this regard, we note that one of the principal concerns expressed about removing  
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E. Date for the Evidentiary Hearing

In setting the January 26 prehearing conference, the Board indicated that it would ask the parties about any counsel, witness, or other scheduling conflicts that might have an impact on scheduling a three-day evidentiary hearing in this proceeding in the April-September 2017 time frame. While CBR indicated there were no such conflicts during that period, the staff and, in particular, OST identified potential scheduling conflicts during periods other than May 2017. See Tr. at 104–09. As the revised general schedule included with this issuance indicates, the hearing is now scheduled for mid-May 2017. But this schedule depends, in the first instance, on the staff maintaining its current schedule for issuance of the draft EA/FONSI and final EA/FONSI and SER.

F. Additional Items

During course of the January 26 prehearing conference, the Board raised a number of additional issues with the parties, including (1) the status of the staff's review of CBR's health physics RAI responses as that might impact the staff's EA/SER schedules, see Tr. at 72–74; see also supra note 1, which is the subject of a staff reporting requirement set forth in section G.2 below; (2) potential party witnesses regarding, and the hybrid environmental/safety nature of, admitted Contention 2, see Tr. at 110–17; (3) hearing venue location, see Tr. at 119–22, 124–25, 128; (4) a site tour and a limited appearance session, see Tr. at 120–28;

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<sup>11</sup>(...continued)

the opportunity to file in limine motions/motions to strike was that it might adversely impact the parties' ability to preserve any appellate arguments regarding such matters. See Tr. at 98–99. Because the Board is providing the opportunity to file such motions, that concern is not one that need be assessed in this proceeding. Nonetheless, we observe that to the degree a board does not provide the opportunity to raise such objections via prehearing in limine motions/motions to strike, it is not apparent why a party could not preserve its appellate rights by making an objection, with a supporting proffer, when the board acts to accept into the evidentiary record the material the party considers inadmissible.

(5) scheduling for any stay motion and responses (should that become necessary),<sup>12</sup> see Tr. at 128–30; (6) settlement and the appointment of a settlement judge, see Tr. at 130–32; (7) activities under the protective order previously entered in this case, see Tr. at 132–34; see also Licensing Board Memorandum and Order (Granting Request for, and Setting Forth Terms of, Protective Order) (Aug. 19, 2013) (unpublished); (8) mandatory disclosures and witness lists, see Tr. at 134–36; (9) party joint designation of the use of 10 C.F.R. Part 2, Subpart N “written only” procedures for this proceeding, see Tr. at 136; and (10) filing a 10 C.F.R. § 2.1204(b) motion to permit cross-examination or proposed Board cross-examination questions, see Tr. at 136–38.

G. Conclusion

1. Per the discussion above, the general schedule for this proceeding is revised as set forth in Appendix A to this issuance.
2. On or before Friday, April 29, 2016, the staff shall provide the Board with a status report concerning its review of the CBR health physics RAI responses, see supra note 1, indicating whether that review will postpone the issuance of its draft EA and/or final EA and SER under the schedule outlined in the staff’s December 24, 2015 letter to the Board and, if so, when

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<sup>12</sup> During the January 26 conference, the Board noted the possibility that, depending on the staff’s EA/SER conclusions about the efficacy of CBR’s MEA application, contemporaneous with issuance of the staff’s final EA/FONSI and SER, and notwithstanding the pendency of this adjudication, the staff may issue the CBR-requested license amendment, thereby triggering OST’s right to seek a stay of that staff action. See Tr. at 128–29; see also 10 C.F.R. §§ 2.1202(a), 2.1213. Since the timing of this licensing activity is within the staff’s discretion, dates associated with such a stay motion are not incorporated into the attached revised general schedule. Nonetheless, as the Board indicated during the conference, well prior to issuance of the staff’s final EA/FONSI and SER, the parties may wish to submit to the Board a joint proposal regarding the schedule for filing any stay motion and responses. In the absence of a timely request regarding such a schedule, the filing deadlines set forth in section 2.1213 will apply. See Tr. at 129.

the staff anticipates it can provide the Board and the other parties with a revised EA/SER issuance schedule.<sup>13</sup>

Any party objections to, or other comments regarding, this memorandum and order shall be filed on or before Monday, May 22, 2016. Cf. 10 C.F.R. § 2.329(e)

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 11, 2016

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<sup>13</sup> The Board also observes that its earlier general directive regarding staff updates concerning the staff's review schedule for the CBR MEA application remains in effect. See June 14 Order at 12.

APPENDIX A

Dated: 02/11/2016

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

Event	National Environmental Policy Act-Related Environmental Contentions	Atomic Energy Act-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
Cultural Resources Portion of NRC Staff's Draft Environmental Assessment (EA) Issued	June 30, 2014	Not Applicable (N/A)
New/Amended Contention Motion Regarding Cultural Resources Portion of Staff EA Due	July 30, 2014	N/A
Summary Disposition Motions re Admitted Contention 1 Due <sup>1</sup>	Aug. 6, 2014	N/A
Responses Supporting Summary Disposition Motions Due <sup>2</sup>	Aug. 18, 2014	N/A
Responses Opposing Summary Disposition Motions Due	Sept. 2, 2014	N/A
Licensing Board Ruling on Summary Disposition Motions	Oct. 24, 2014	N/A
Balance of Staff's Draft EA Issued	Aug. 31, 2016	N/A
New/Amended Contention Motion/Migration Declaration Filed	Sept. 30, 2016	N/A
Answers to New/Amended Contention Motion/Migration Declaration Due	Oct. 14, 2016	N/A
Replies to Answers to New/Amended Contention Motion/Migration Declaration Due	Oct. 21, 2016	N/A
Licensing Board Ruling on New/Amended Contention Admission/Contention Migration Regarding Balance of Staff's Draft EA	Nov. 28, 2016	N/A
Final Staff EA Issued	Nov. 30, 2016	N/A

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<sup>1</sup> 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.

<sup>2</sup> 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	National Environmental Policy Act-Related Environmental Contentions	Atomic Energy Act-Associated Safety Contentions
Final Staff Safety Evaluation Report (SER) Issued	N/A	Nov. 30, 2016
Mandatory Disclosure Updates Completed for Admitted New/Amended Contentions Regarding Balance of Staff's Draft EA	Dec. 9, 2016	N/A
Schedule for New/Amended Contentions/Contention Migration Declaration Regarding Final Staff EA and/or SER	Any Environmental/Safety-Related Contentions	
New/Amended Contention Motion/Migration Declaration Due	Dec. 30, 2016	
Answers to New/Amended Contention Motion/Migration Declaration Due	Jan. 13, 2017	
Replies to Answers re New/Amended Contention Motion/Migration Declaration Due	Jan. 23, 2017	
Licensing Board Ruling on New/Amended Contention Admission/Contention Migration	Feb. 17, 2017	
Admitted New/Amended Contention Mandatory Disclosure Updates Completed/Joint Motion to Invoke Subpart N Procedures Due	Mar. 3, 2017	
Evidentiary Hearing Schedule	All Remaining Admitted Contentions	
Position Statements/Prefiled Direct Testimony Due	Mar. 17, 2017	
In Limine Motions on Prefiled Direct Testimony Due	Mar. 22, 2017	
In Limine Motion Responses Due	Mar. 27, 2017	
Licensing Board Ruling on In Limine Motions	March 31, 2017	
Rebuttal Statements/Prefiled Rebuttal Testimony Due	Apr. 7, 2017	
In Limine Motions on Prefiled Rebuttal Testimony Due	Apr. 12, 2017	
In Limine Motion Responses Due	Apr. 17, 2017	
Licensing Board Ruling on In Limine Motions	April 21, 2017	
Proposed Cross-Examination Questions/Requests for Cross-Examination Due	Apr. 24, 2017	

Event	National Environmental Policy Act-Related Environmental Contentions	Atomic Energy Act-Associated Safety Contentions
Responses to Requests for Cross-Examination Due	May 1, 2017	
Licensing Board Ruling on Requests for Cross-Examination	May 8, 2017	
Evidentiary Hearing	May 16-18, 2017	
Proposed Findings of Fact/Conclusions of Law Due	June 19, 2017	
Reply Findings of Fact/Conclusions of Law Due	July 21, 2017	
Licensing Board Initial Decision	Sept. 8, 2017	

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, Crawford, Nebraska	)	ASLBP No. 13-926-01-MLA-BD01
	)	
(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 Clara Sola \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 11<sup>th</sup> day of February, 2016