

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

April 20, 2017

MEMORANDUM AND ORDER  
(Revised General Schedule)

This proceeding concerns 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. On February 1, 2017, the Nuclear Regulatory Commission (NRC) staff advised the Licensing Board about an additional potential scheduling delay for issuance of the staff's environmental and safety documents relating to this proceeding. See Letter from Emily Monteith, NRC Staff Counsel, to Licensing Board at 1 (Feb. 1, 2017). Although the scope of that delay was somewhat uncertain at the outset, as a result of a series of Board orders and party responses, the staff has now provided us with a revised schedule that engenders a delay of approximately five to eight months from its previous safety and environmental review timeline, depending on the staff document in question. See Letter from Marcia Simon, NRC Staff Counsel, to Licensing Board at 1 (Apr. 14, 2017) [hereinafter Staff Letter]; see also Licensing Board Memorandum and Order (Requesting Scheduling Information) (Mar. 20, 2017) at 1 (unpublished); Licensing Board

Memorandum and Order (Revised General Schedule) (July 26, 2016) app. A, at 1–2 (unpublished). Specifically, the staff now anticipates the estimated date for issuance of the balance of the draft environmental assessment (EA) will slip from May 31, 2017, to December 15, 2017, while its final EA will now be issued on April 30, 2018, rather than August 31, 2017, and its safety evaluation report (SER) issuance date will move from August 31, 2017, to January 31, 2018. See Staff Letter at 1.

With this announced postponement in the issuance of the staff's draft EA and final EA and SER and consistent with the previous general schedules for this proceeding issued since 2014,<sup>1</sup> in accord with 10 C.F.R. § 2.332(d), the general schedule for this proceeding is revised as set forth in Appendix A to this issuance.<sup>2</sup>

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<sup>1</sup> Back in April 2014, even though the final EA and SER issuance dates were a month apart, in an effort to simplify the proceeding's schedule we set a unified deadline for filing any new/amended contentions based on the issuance date of the later of these two staff license review documents. See Licensing Board Memorandum and Order (Revised General Schedule) (Apr. 30, 2014) at 2 (unpublished). Although the staff in December 2015 indicated the issuance dates for these two documents were being set for the same day, see Licensing Board Memorandum and Order (Revised General Schedule) (Feb. 11, 2016) at 1–2, app. A at 1–2 (unpublished) [hereinafter February 2016 Revised General Schedule], the staff's most recent review schedule revision again separates them, this time by three months, see Staff Letter at 1. Nonetheless, to preserve scheduling simplicity, at this juncture we will retain the unified schedule for filing any new/amended contentions, along with any contention migration declarations, see February 2016 Revised General Schedule at 4–5, relative to both these staff review documents.

<sup>2</sup> The Board again observes that its earlier general directive regarding staff updates concerning the staff's review schedule for the CBR MEA ISR facility application remains in effect. See Licensing Board Memorandum and Order (Initial Prehearing Conference and Scheduling Order) (June 14, 2013) at 12 (unpublished).

Any party objections to, or other comments regarding, this memorandum and order shall be filed on or before Friday, April 28, 2017. 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

April 20, 2017

## APPENDIX A

Dated: 04/20/2017

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	Dec. 15, 2017	N/A
New/Amended Contention Motion/Migration Declaration Filed	Jan. 16, 2018	N/A
Answers to New/Amended Contention Motion/Migration Declaration Due	Jan. 30, 2018	N/A
Final Staff Safety Evaluation Report (SER) Issued	N/A	Jan. 31, 2018
Replies to Answers to New/Amended Contention Motion/Migration Declaration Due	Feb. 6, 2018	N/A
Licensing Board Ruling on New/Amended Contention Admission/Contention Migration Regarding Balance of Staff's Draft EA	Mar. 12, 2018	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
Mandatory Disclosure Updates Completed for Admitted New/Amended Contentions Regarding Balance of Staff's Draft EA	Mar. 26, 2018	N/A
Final Staff EA Issued	Apr. 30, 2018	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	May 30, 2018	
Answers to New/Amended Contention Motion/Migration Declaration Due	June 13, 2018	
Replies to Answers re New/Amended Contention Motion/Migration Declaration Due	June 20, 2018	
Licensing Board Ruling on New/Amended Contention Admission/Contention Migration	July 20, 2018	
Admitted New/Amended Contention Mandatory Disclosure Updates Completed/Joint Motion to Invoke Subpart N Procedures Due	Aug. 3, 2018	
Evidentiary Hearing Schedule	All Remaining Admitted Contentions	
Position Statements/Prefiled Direct Testimony Due	Aug. 17, 2018	
In Limine Motions on Prefiled Direct Testimony Due	Aug. 22, 2018	
In Limine Motion Responses Due	Aug. 27, 2018	
Licensing Board Ruling on In Limine Motions	Aug. 31, 2018	
Rebuttal Statements/Prefiled Rebuttal Testimony Due	Sept. 7, 2018	
In Limine Motions on Prefiled Rebuttal Testimony Due	Sept. 12, 2018	
In Limine Motion Responses Due	Sept. 17, 2018	
Licensing Board Ruling on In Limine Motions	Sept. 24, 2018	
Proposed Cross-Examination Questions/Requests for Cross-Examination Due	Oct. 1, 2018	

Event	National Environmental Policy Act-Related Environmental Contentions	Atomic Energy Act-Associated Safety Contentions
Responses to Requests for Cross-Examination Due	Oct. 9, 2018	
Licensing Board Ruling on Requests for Cross-Examination	Oct. 16, 2018	
Evidentiary Hearing	Oct. 30-Nov. 1, 2018	
Proposed Findings of Fact/Conclusions of Law Due	Dec. 3, 2018	
Reply Findings of Fact/Conclusions of Law Due	Jan. 4, 2019	
Licensing Board Initial Decision	Feb. 19, 2019	

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 20<sup>th</sup> day of April, 2017