

January 25, 2018

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 ) Docket No. 40-8943-MLA-2  
CROW BUTTE RESOURCES, INC. )  
 ) ASLBP No. 13-926-01-MLA-BD01  
(Marsland Expansion Project) )

JOINT UNOPPOSED MOTION TO RETAIN  
CURRENT MONTHLY DISCLOSURE UPDATE SCHEDULE

Pursuant to 10 C.F.R. § 2.323 and the Atomic Safety and Licensing Board's (Board's) June 14, 2013 Initial Prehearing Conference and Scheduling Order,<sup>1</sup> the staff of the U.S. Nuclear Regulatory Commission (Staff) submits this joint unopposed motion on behalf of the parties to retain the current monthly disclosure update schedule.<sup>2</sup>

In accordance with the Initial Scheduling Order, the parties currently submit updates to their mandatory disclosures on the first day of each month.<sup>3</sup> Also in the Initial Scheduling Order, the Board stated that "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

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<sup>1</sup> Memorandum and Order (Initial Prehearing Conference and Scheduling Order) (June 14, 2013) ("Initial Scheduling Order").

<sup>2</sup> Pursuant to 10 C.F.R. § 2.323(b), Staff counsel contacted counsel for the Applicant (CBR) and the Oglala Sioux Tribe (OST) by email on January 19 and 23, 2018, to consult on this motion. Counsel for CBR (Tyson Smith) stated that he supports the motion, and Counsel for the OST (Andrew Reid) stated that he has no objection to the motion.

<sup>3</sup> Initial Scheduling Order at 3.

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.”<sup>4</sup>

On January 23, 2018, the parties reached an agreement to retain the current disclosure update schedule, under which the parties submit updates to their mandatory disclosure on the first day of each month; provided, however, that for any month in which the first day falls on a weekend or federal holiday, the submission can be filed on the next federal business day.<sup>5</sup> Therefore, on behalf of the parties, the Staff respectfully requests that pursuant to the Initial Scheduling Order, the Board revise the disclosure update schedule in accordance with the agreement of the parties.

Respectfully submitted,

**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 25th day of January, 2018

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<sup>4</sup> *Id.* at 6 (citing 10 C.F.R. § 2.336(d)).

<sup>5</sup> See *supra* n.2.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "JOINT UNOPPOSED MOTION TO RETAIN CURRENT MONTHLY DISCLOSURE UPDATE SCHEDULE" in the above-captioned proceeding have been served via the Electronic Information Exchange ("EIE"), the NRC's E-Filing System, this 25th day of January, 2018, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above-captioned proceeding.

**/Signed (electronically) by/**

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