

NUCLEAR REGULATORY COMMISSION

[7590-01-P]

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

May 16, 2013

MEMORANDUM AND ORDER
(Notice of Hearing)

This proceeding concerns the May 16, 2012 application of Crow Butte Resources, Inc., (CBR) to amend its 10 C.F.R. Part 40 source materials license that authorizes the operation of CBR's existing in situ uranium recovery (ISR) facility near Crawford, Nebraska. If issued by the Nuclear Regulatory Commission (NRC), the requested amendment would permit CBR to operate a satellite ISR facility, the Marsland Expansion Area (MEA) site, which is located in Dawes County, Nebraska, some eleven miles to the southeast of CBR's Crawford central processing facility. In response to a November 26, 2012 NRC hearing opportunity notice regarding this application, see [CBR], License SUA-1534, License Amendment to Construct and Operate [MEA], 77 Fed. Reg. 71,454 (Nov. 30, 2012), petitioner Oglala Sioux Tribe (OST) and petitioners Antonia Loretta Afraid of Bear Cook, Bruce McIntosh, Debra White Plume, Western Nebraska Resources Council, and Aligning for Responsible Mining, referred to jointly as the Consolidated Petitioners, filed timely requests for hearing/petitions for leave to intervene contesting the CBR ISR amendment application. On February 6, 2013, this three-member

Atomic Safety and Licensing Board was established to preside over this proceeding. See [CBR], Establishment of Atomic Safety and Licensing Board, 78 Fed. Reg. 9945 (Feb. 12, 2013). Thereafter, in a May 10, 2013 issuance, while concluding that none of the Consolidated Petitioners had established the requisite standing to intervene in this proceeding, the Board also found that OST had demonstrated its standing and had submitted two admissible contentions concerning the CBR application and so admitted OST as a party to this proceeding. See LBP-13-6, 77 NRC __ (May 10, 2013).

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. The hearing will be governed by the simplified hearing procedures set forth in 10 C.F.R. Part 2, Subparts C and L, 10 C.F.R. §§ 2.300-2.390, 2.1200-2.1213.

During the course of this proceeding, the Board may conduct an oral argument, as provided in 10 C.F.R. § 2.331; may hold additional prehearing conferences pursuant to 10 C.F.R. § 2.329; and may conduct evidentiary hearings in accordance with 10 C.F.R. §§ 2.327-2.328, 2.1206-2.1208. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC web site, www.nrc.gov.

Additionally, as provided in 10 C.F.R. § 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement. Limited appearance statements, which are placed in the docket for this proceeding, provide members of the public with an opportunity to make the Board and/or the participants aware of their concerns about any matters at issue in the proceeding, particularly any concerns associated with the admitted

contentions. A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail to: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-1101 (verification (301) 415-1966)

E-mail to: hearing.docket@nrc.gov

In addition, a copy of the limited appearance statement should be sent to the Licensing Board Chairman using the same method at the address below:

Mail to: Administrative Judge G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-5599 (verification (301) 415-7550)

E-mail to: paul.bollwerk@nrc.gov

Further, at a later date, the Board may conduct oral limited appearance sessions regarding this ISR proceeding at a location, or locations, in the vicinity of the MEA site. If one or more limited appearance sessions are scheduled, notice will be published in the Federal Register and/or made available to the public at the NRC PDR and on the NRC website, www.nrc.gov.

Documents relating to this proceeding are available for public inspection at the Commission's PDR or electronically from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS, including its adjudicatory proceeding-related Electronic Hearing Docket, is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in

ADAMS, should contact the NRC PDR reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 16, 2013

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 (Notice of Hearing)** 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

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

Dated at Rockville, Maryland
this 16th day of May, 2013