

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chair
Dr. Richard E. Wardwell
Brian K. Hajek
Alan S. Rosenthal (Special Assistant to the Board)

In the Matter of

CROW BUTTE RESOURCES, INC.

(License Renewal for the
In Situ Leach Facility, Crawford, Nebraska)

Docket No. 40-8943

ASLBP No. 08-867-02-OLA-BD01

July 13, 2015

ORDER
(Governing Evidentiary Hearing)

An evidentiary hearing in this proceeding will begin on August 24, 2015 in Crawford, Nebraska.¹ The evidentiary hearing will concern admitted contentions A, C, D, F, 1, 6, 9, 12, and 14. This 10 C.F.R. Part 2 Subpart L hearing will proceed as outlined in this Order.

At 9:00 AM (MDT) on Monday, August 24, the Board will hold a brief pre-trial conference to address certain preliminary matters. At that pre-trial conference, all exhibits will be admitted before any testimony is heard, and if any party has an objection to any exhibit, it must be raised at that time. The Board anticipates that all witnesses will be experts. If there are any fact witnesses, the sponsoring party must inform the Board of the identity of the witness and the portion of his or her testimony that is based on factual assertion and not expert opinion. If any other party intends to object to any testimony because it is based on factual assertion and not

¹ Licensing Board Notice of Hearing (Notice of Evidentiary Hearing and Opportunity to Provide Written Limited Appearance Statements) (July 13, 2015) (unpublished).

on expert opinion, that party must interpose its objections to such testimony at the pre-trial conference.

The purpose of this hearing will be solely to assist the Board in reaching its decision on the admitted contentions. The Board will be familiar with the parties' positions and the evidence offered in support of its positions on each contention, and the questions the parties have requested the Board to ask. Accordingly, there will be no opening statements.

The Board will first examine the parties' witnesses on contentions A, C, D, F, and 14. At this time, the Board anticipates that all the parties' witnesses testifying about these five contentions will be seated at one time and each such witness should be prepared to answer the Board's questions on the topics encompassed by these five contentions. At the conclusion of the Board's questioning of these witnesses on contentions A, C, D, F, and 14, all parties will be afforded an opportunity to submit, in camera, additional questions for the Board to ask these witnesses to ensure the record is complete regarding contentions A, C, D, F, and 14.

After the Board concludes questioning the witnesses regarding contentions A, C, D, F, and 14, the Board will next turn to contentions 6, 9, and 12. At this time, the Board anticipates that all the parties' witnesses testifying about contentions 6, 9, and 12 will be seated at one time and that each such witness should be prepared to answer the Board's questions on the topics encompassed by these three contentions. At the conclusion of the Board's questioning of these witnesses on contentions 6, 9, and 12, all parties will be afforded an opportunity to submit, in camera, additional questions for the Board to ask these witnesses to ensure the record is complete regarding contentions 6, 9, and 12.

After the Board concludes questioning the witnesses regarding contentions 6, 9, and 12, the Board will next turn to contention 1. At this time, the Board anticipates that all the parties' witnesses testifying about contention 1 will be seated at one time and that each such witness should be prepared to answer the Board's questions on the topics encompassed by the contention. At the conclusion of the Board's questioning of these witnesses on contention 1, all

parties will be afforded an opportunity to submit, in camera, additional questions for the Board to ask these witnesses to ensure the record is complete regarding contention 1.

The Board has not decided whether it will entertain closing arguments at the conclusion of the hearing, but if it does, such arguments will not exceed 10 minutes per party.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 13, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
CROW BUTTE RESOURCES, INC.)	Docket No. 40-8943-OLA
)	
In-Situ Leach Uranium Recovery Facility,)	
Crawford, Nebraska)	
)	
(License Renewal))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Governing Evidentiary Hearing)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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ORDER (Governing Evidentiary Hearing)

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[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of July, 2015