

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair
Nicholas G. Trikouros
Dr. Craig M. White

In the Matter of:

CROW BUTTE RESOURCES, INC.

(North Trend Expansion Project)

Docket No. 40-8943-MLA

ASLBP No. 07-859-03-MLA-BD01

September 26, 2023

MEMORANDUM AND ORDER

(Scheduling Prehearing Conference;
Providing Information Technology and Administrative Information)

The Licensing Board will conduct a virtual prehearing conference in this 10 C.F.R. Part 40 source materials license amendment proceeding on Tuesday, October 3, 2023, beginning at 3:00 p.m. Eastern Time (ET) to discuss the current status of, and future scheduling for, the case and related issues.¹ Set forth below are details on information technology and administrative matters relevant to the conduct of the conference.

A. Information Technology Matters

The hearing will be conducted virtually using the Cisco WebEx web conferencing platform. The Board's law clerk, Noel Johnson, will contact by e-mail the counsel for the parties, i.e., applicant Crow Butte Resources (CBR), the NRC Staff, and intervenors Western Nebraska Resources Council, Owe Aku/Bring Back the Way, and Debra White Plume,² as well as counsel

¹ As explained in the Board's September 15 issuance, this conference will be conducted in lieu of the next quarterly Nuclear Regulatory Commission (NRC) Staff status report due on October 2, 2023. See Licensing Board Memorandum and Order (Scheduling Prehearing Conference) at 1 (Sept. 15, 2023) (unpublished) [hereinafter Scheduling Order].

² See CLI-09-12, 69 NRC 535, 544–48 (2009).

for the 10 C.F.R. § 2.315(c) interested governmental entities,³ i.e., the Oglala Sioux Tribe and the Oglala Delegation of the Great Sioux Nation Treaty Council, to (1) schedule a test session conducted by the Licensing Board Panel's Information Technology staff to identify and mitigate any technical issues concerning access to the prehearing conference; and (2) provide additional information about accessing the Cisco WebEx web conference.

For the public and other interested persons, the Board will provide telephone listen-only access to the prehearing conference by dialing (301) 576-2978 and entering the conference ID passcode 9264028, followed by the “#” sign. After successful entry of the conference ID passcode, you will hear the following message: “You are not allowed to unmute. To raise your hand press *5.” However, this conference line is not being monitored and pressing *5 will not allow you to participate in the conference. For this prehearing conference, the Board will only hear from counsel representing the parties and the section 2.315(c) interested governmental entities.

B. Administrative Matters

The prehearing conference's primary purpose is to allow the Board to ask questions and obtain answers concerning the status of CBR's license amendment application for the North Trend Expansion Area (NTEA) and the associated NRC Staff safety and environmental reviews.⁴ Any updates that counsel for the parties and the section 2.315(c) interested

³ See LBP-09-1, 69 NRC 11, 15, 46 (2009).

⁴ As stated in the Scheduling Order, the Board is particularly interested in the following items:

- (1) the status of legal representation for each of the parties, including any appropriate updates to notices of appearance or withdrawal notices; (2) whether the Intervenor's[] prior statement regarding consolidated presentations and lead counsel remains in effect; and (3) the current status of the CBR application and the associated NRC Staff safety and environmental reviews.

governmental entities need to make to their notices of appearance and/or withdrawal notices should be done on or before Monday, October 2, 2023.

Although counsel for the parties and the section 2.315(c) interested governmental entities will be appearing remotely, the Board encourages all those taking part in the prehearing conference to conduct themselves as if in a hearing room setting, including seeking to minimize outside noise and interruptions while the conference is ongoing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 26, 2023

[D]uring the prehearing conference the Board would like to obtain an expression of their continued interest in pursuing this litigation from intervenors Western Nebraska Resources Council, Owe Aku/Bring Back the Way, and Debra White Plume.

Id. at 2 n.4.

CBR should be prepared to address its decision to suspend its plans to pursue uranium recovery at the NTEA because of the “significantly depressed” uranium market and to what degree that basis still obtains.

Id. at 2 n.5 (quoting Letter from Walter Nelson, SHEQ Coordinator, Cameo Resources, Crow Butte Operation, to Director, NRC Office of Nuclear Material Safety and Safeguards, at 1 (Apr. 4, 2018) (ADAMS Accession No. ML18102A537)).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of	)	
	)	
CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943-MLA
	)	
In-situ leach Uranium Recovery Facility,	)	
Crawford, Nebraska	)	
	)	
(License Amendment for the North Trend	)	
Expansion Area)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Scheduling Prehearing Conference; Providing Information Technology and Administrative Information)** have been served upon the following persons by Electronic Information Exchange.

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MEMORANDUM AND ORDER (Scheduling Prehearing Conference; Providing Information Technology and Administrative Information)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 26th day of September 2023.