

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 24, 2015

ORDER

(Granting NRC Staff's Motion to Submit  
Revised Rebuttal Testimony and New Exhibit and Providing All Other Parties  
with an Opportunity for Rebuttal Testimony and to Propose Additional Questions in Camera)

On July 23, 2015, the NRC Staff moved to submit revised rebuttal testimony and a new exhibit in this proceeding.<sup>1</sup> The new exhibit, NRC-092, purportedly corrects an error in the Environmental Assessment (EA) concerning a permit for land application of treated process wastewater at Crow Butte's in situ leach uranium mining facility. This correction consists of four words added to EA section 2.4.1. The revised rebuttal testimony eliminates a portion of NRC Staff rebuttal testimony that relied on the section of the EA that the Staff now represents was drafted in error. For good cause shown, the NRC Staff's motion to submit revised rebuttal testimony, exhibit NRC-076-R, and the EA errata sheet, exhibit NRC-092, is granted.

All other parties to this proceeding are hereby given one week to respond to EA errata exhibit NRC-092. Crow Butte, Consolidated Intervenor, and the Oglala Sioux Tribe must submit any further rebuttal testimony or exhibits related solely to the NRC Staff's revised

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<sup>1</sup> NRC Staff's Motion to Submit Revised Rebuttal Testimony and New Exhibit (July 23, 2015).

rebuttal testimony and new exhibit that is the subject of the instant motion no later than Friday, July 31, 2015. Crow Butte, Consolidated Intervenors, and the Oglala Sioux Tribe will also be given until Friday, July 31, 2015 to separately submit, in camera, any additional proposed questions for the Board to ask at the evidentiary hearing related solely to the NRC Staff's revised rebuttal testimony and new exhibit that is the subject of the instant motion.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Michael M. Gibson, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 24, 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 (Granting NRC Staff's Motion to Submit Revised Rebuttal Testimony and New Exhibit and Providing All Other Parties with an Opportunity for Rebuttal Testimony and to Propose Additional Questions in Camera)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission.  
Mail Stop T-3F23  
Washington, DC 20555-0001

Michael M. Gibson, Chairman  
Administrative Judge  
E-mail: [michael.gibson@nrc.gov](mailto:michael.gibson@nrc.gov)

Richard E. Wardwell  
Administrative Judge  
E-mail: [richard.wardwell@nrc.gov](mailto:richard.wardwell@nrc.gov)

Alan S. Rosenthal  
Administrative Judge  
E-mail: [alan.rosenthal@nrc.gov](mailto:alan.rosenthal@nrc.gov)

Brian K. Hajek  
Administrative Judge  
E-mail: [brian.hajek@nrc.gov](mailto:brian.hajek@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D21  
Washington, DC 20555-0001  
Marcia J. Simon, Esq.  
David Cylkowski, Esq.  
Emily Monteith, Esq.  
Sabrina Allen, Law Clerk  
E-mail:  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)  
[david.cylkowski@nrc.gov](mailto:david.cylkowski@nrc.gov)  
[sabrina.allen@nrc.gov](mailto:sabrina.allen@nrc.gov)  
[emily.monteith@nrc.gov](mailto:emily.monteith@nrc.gov)

Winston & Strawn, LLP  
101 California Street  
San Francisco, CA 94111  
Tyson R. Smith, Esq.  
Noelle R. Formosa, Esq.  
Counsel for Crow Butte Resources, Inc.  
E-mail:  
[trsmith@winston.com](mailto:trsmith@winston.com)  
[nformosa@winston.com](mailto:nformosa@winston.com)

DOCKET NO. 40-8943-OLA

**ORDER (Granting NRC Staff's Motion to Submit Revised Rebuttal Testimony and New Exhibit and Providing All Other Parties with an Opportunity for Rebuttal Testimony and to Propose Additional Questions in Camera)**

Owe Oku, Debra White Plume,  
and David House  
P.O. Box 2508  
Rapid City, South Dakota 57709  
Bruce Ellison, Esq.  
Roxanne Andre  
E-mail: [belli4law@aol.com](mailto:belli4law@aol.com)  
E-mail: [roxanneandre@yahoo.com](mailto:roxanneandre@yahoo.com)

Western Nebraska Resources Council  
Chief Joseph American Horse  
Thomas K. Cook, Francis E. Anders  
David Cory Frankel, Esq.\*  
P.O. 3014  
Pine Ridge, South Dakota 57770  
E-mail: [Arm.legal@gmail.com](mailto:Arm.legal@gmail.com)

Ved Nanda Center for International and  
Comparative Law  
1075 Waite Drive  
Boulder, CO 80303  
Andrew Reid, Esq.  
Counsel for Oglala Sioux Tribe  
E-mail: [lawyerreid@gmail.com](mailto:lawyerreid@gmail.com)

McGuire Law Firm  
625 South 14th Street, Suite C  
Lincoln, Nebraska 68508  
Mark D. McGuire  
Counsel for Crow Butte Resources, Inc.  
E-mail: [mdmcguire46@gmail.com](mailto:mdmcguire46@gmail.com)

Thomas J. Ballanco\*  
945 Taraval Avenue, # 186  
San Francisco, CA 94116  
Counsel for Joe American Horse, Thomas  
Cook, Loretta Afraid-of-Bear Cook, Slim  
Buttes Community, and Pine Ridge  
Reservation, South Dakota 57770  
E-mail: [HarmonicEngineering@gmail.com](mailto:HarmonicEngineering@gmail.com)

Winston & Strawn, LLP  
1700 K Street  
Washington, DC 20006  
Noelle R. Formosa, Esq.  
Carlos L. Sisco, Paralegal  
Counsel for Crowe Butte Resources, Inc.  
E-mail: [nformosa@winston.com](mailto:nformosa@winston.com)  
[csisco@winston.com](mailto:csisco@winston.com)

[Original signed by R. Giitter \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 24<sup>th</sup> day of July, 2015