

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 01/10/08

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 01/10/08

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Richard F. Cole  
Dr. Fred W. Oliver

In the Matter of

CROW BUTTE RESOURCES, INC.  
(License Amendment for the North Trend  
Expansion Project)

Docket No. 40-8943-MLA  
ASLBP No. 07-859-03-MLA-BD01

January 10, 2008

NOTICE and ORDER  
(Regarding Oral Argument)

Oral argument will be heard on the standing and contentions of Petitioners<sup>1</sup> in this proceeding, which involves the application of Crow Butte Resources, Inc. (CBR) to amend its Source Materials License for development of additional uranium in-situ leach (ISL) mining resources for its North Trend Expansion Area, on January 16, 2008, continuing into January 17 as necessary, in the Chicoine Atrium, Mari Sandoz High Plains Heritage Center, Chadron State College, 1000 Main Street, Chadron, Nebraska.

This session will commence at 9:00 a.m. on January 16, beginning with oral argument on Petitioners' standing to participate in this proceeding; followed by argument on the contentions, in the order addressed in Petitioners' Reference Petition of December 28, 2007 (as

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<sup>1</sup> In response to a September 13, 2007, notice of opportunity for hearing that was published on the Nuclear Regulatory Commission (NRC) website, Petitioners Debra L White Plume, Owe Aku/Bring Back the Way, Western Nebraska Resources Council, Thomas Kanatakeniate Cook, and Slim Buttes Agricultural Development Corporation on November 12, 2007, timely filed requests for hearing and petitions to Intervene in accordance with 10 C.F.R. § 2.309.

corrected on January 10, 2008); and, finally, argument on Petitioners' request for a 10 C.F.R. Part 2, Subpart G hearing, and any other appropriate matters.

As discussed in the telephone conference of December 18, 2007, oral argument by the two attorneys serving as Petitioners' counsel, and Applicant's and NRC Staff's counsel, respectively, will be consolidated as much as possible, with the understanding that if on certain issues counsel wish to make separate argument this can be accommodated. Also, oral argument should not be a mere repetition of written filings. With these understandings, counsel are directed to prepare for the oral argument as follows:

On standing, Petitioners' counsel should plan to speak for no longer than a total of 10 minutes per Petitioner (including discussion of all affidavits at issue), with this time apportioned as they see fit; Applicant and Staff Counsel should plan to speak for a total of no more than 10 minutes per Petitioner. On Petitioners' contentions, Petitioners counsel should plan to speak for a combined time of no more than 20 minutes per contention, and Applicant and Staff Counsel should plan to speak for a combined time of no more than 20 minutes per contention. Counsel and parties should expect that their argument will be interrupted as deemed necessary and appropriate by Board members, but that the time taken for such questions and responses will not be counted against their allotted time periods.

In argument on admissibility of the contentions, counsel should be prepared to focus their arguments on whether and how the contentions meet the requirements of the criteria set forth at 10 C.F.R. § 2.309(f)(1), subsections (i) through (vi). See *also, e.g.*, the case law cited in our December 12, 2007, Order (Regarding Schedule and Guidance for Proceedings), and

our December 20, 2007, Order (Confirming Matters Addressed on December 18, 2007 Telephone Conference).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

\_\_\_\_\_/RA/\_\_\_\_\_  
Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 10, 2008<sup>2</sup>

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<sup>2</sup>Copies of this Order were sent this date by Internet e-mail to all counsel and representatives for participants for whom e-mail addresses were available.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of )  
)  
CROWE 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 LB NOTICE AND ORDER (REGARDING ORAL ARGUMENT) have been served upon the following persons by U.S. Mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudications  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-001

Administrative Judge  
Ann Marshall Young, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-001

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-001

Administrative Judge  
Frederick W. Oliver  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-001

Catherine Marco, Esq.  
Andrea Z. Jones, Esq.  
Marcia J. Simon, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission

Stephen P. Collings, President  
Crowe Butte Resources, Inc.  
141 Union Boulevard, Suite 330  
Lakewood, CO 80228

Docket No. 40-8943-MLA  
LB NOTICE AND ORDER (REGARDING ORAL ARGUMENT)

Mark D. McGuire, Esq.  
McGuire and Norby  
605 South 14<sup>th</sup> Street, Suite 100  
Lincoln, NE 68508

Debra White Plume  
P.O. Box 71  
Manderson, SD 57756

Debra L. White Plume, Director  
Owe Aku, Bring Back the Way  
P.O. Box 325  
Manderson, SD 57756

Buffalo Bruce, Board Chairman  
Western Nebraska Resources Council  
P.O. Box 612  
Chadron, NE 69337

Thomas Kanatakeniate Cook  
1705 So. Maple St.  
Chadron, NE 69337

Thomas Kanatakeniate Cook, Director  
Slim Buttes Agricultural Development  
Corp.  
1705 S Maple St.  
Chadron, NE 69337

David C. Frankel  
Counsel for Thomas Kanatakeniate Cook,  
Slim Buttes Agricultural Development  
Corp., Western Nebraska Resources  
Council  
P.O. Box 3014  
Pine Ridge, SD 57770

Bruce Ellison  
Counsel for Debra L. White Plume  
and Owe Aku, Bring Back the Way  
P.O. Box 2508  
Rapid City, SD 55709

Tyson R. Smith  
Winston & Strawn LLP  
1700 K St. N.W.  
Washington, DC 20006

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 10<sup>th</sup> day of January 2008