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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket No. 40-8943
CROW BUTTE RESOURCES, INC.)	
)	ASLBP No. 07-859-03-MLA-BD01
(License Amendment Application for North)	
Trend Expansion Project))	

CROW BUTTE RESOURCES' RESPONSE
TO LICENSING BOARD'S MAY 2, 2008 ORDER

Pursuant to Licensing Board's May 2, 2008 Order, Crow Butte was directed to provide the Board with any information relevant to visiting the site of which the Board, parties, and participants should be aware, focusing on security and other concerns. The following paragraphs contain information pertaining to the site visit:

1. Regarding the Indian Camp site visit, the Board should be aware that Crow Butte Resources does not own or lease or have any interest in or control over the property where the prehistoric Indian Camp is located. As a result, Crow Butte is unable to arrange a visit to the site. It should be noted that the Indian Camp is not within the proposed permit area.

2. An additional consideration for any visit to the Indian Camp would be whether the Nebraska State Historic Preservation Officer has a position or perspective with respect to such a visit, including whether a non-disclosure agreement or protective order would be necessary for a site visit.

3. A tour group of more than 20 is impractical from a logistical (time, escorts, drivers, vehicles) and safety perspectives (size limited in some areas of facility). If as

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many as 20 people are involved, then the group will likely need to be split into two or more smaller groups. The average tour lasts for a few hours. A two group tour process may take considerably longer depending on the size of the groups and the need to stagger access and drivers/vehicles.

4. Crow Butte Resources has numerous concerns regarding a mine site visit and the related safety and security issues such a process would create. In order to comply with NRC regulations and Crow Butte's license, any such visit needs to be a controlled process and not an open house for the general public. Specific concerns include:

a. The absolute maximum number of people which constitute a tour group would be 20, inclusive of the tour guides.

b. The NRC requires the company to have procedures in place that protect the public from any potential hazards while on site. These procedures require visitors to the mine to sign in, receive a safety orientation, wear appropriate PPE, be accompanied by a company employee at all times they are on the plant site, and follow the exit process including individual three-part body survey for radiological exposure.

c. The evaporation ponds can be viewed from an adjacent road, but are not accessible to the public due to the designation of the ponds as a controlled area.

d. Touring the well field requires vehicles. Depending on the size of the tour group, Crow Butte Resources may not have sufficient vehicles or drivers to support a lengthy tour of the well field. Crow Butte Resources does not allow private vehicles to travel through a mine field nor does it allow anyone to travel in the mine field without an escort.

e. Well houses can be viewed, but not entered due to radiation and occupational safety issues.

5. In order to maximize the utility of the tour and minimize disruption to plant operations, Crow Butte Resources respectfully suggests that the proposed tour be limited to counsel for the Interveners, counsel for NRC, counsel for the Applicant, and the Licensing Board Judges and staff, as selected by the Licensing Board. Counsel for the three Interveners could select one additional person as the organizational representative. Crow Butte will have a difficult time supporting more than a few additional visitors due to logistical constraints. The name, permanent address, and social security numbers for all visitors must be provided to Crow Butte Resources at least five (5) days prior to the site visit. Upon arriving at the site, visitors will be required to show a photo identification.



Tyson R. Smith
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

COUNSEL FOR CROW BUTTE
RESOURCES, INC.

Dated at Washington, District of Columbia
this 7th day of May 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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) Docket No. 40-8943
CROW BUTTE RESOURCES, INC.)
) ASLBP No. 07-859-03-MLA-BD01
(License Amendment Application for North)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "CROW BUTTE RESOURCES' RESPONSE TO LICENSING BOARD'S MAY 2, 2008 ORDER" in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 7th day of May 2008. Additional e-mail service, designated by *, has been made this same day, as shown below.

Administrative Judge*
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: AMY@nrc.gov)

Administrative Judge*
Richard F. Cole
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: RFC1@nrc.gov)

Administrative Judge*
Frederick W. Oliver
Atomic Safety and Licensing Board Panel
10433 Owen Brown Road
Columbia, MD 21044
(e-mail: FWOliver@verizon.net)

Office of Commission Appellate
Adjudication*
Mail Stop: O-16 G4
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: OCAAmal@nrc.gov)

Office of the Secretary*
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 G4
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)

Andrea Z. Jones, Esq.*
Marcia J. Simon, Esq.*
Catherine Marco, Esq.*
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop: O-5 D21
Washington, DC 20555-0001
(e-mail: axj4@nrc.gov)
(e-mail: mjs5@nrc.gov)
(e-mail: clm@nrc.gov)

Stephen P. Collings, President*
Crowe Butte Resources, Inc.
141 Union Boulevard, Suite 330
Lakewood, CO 80228
(e-mail: steve_collings@cameco.com)

David C. Frankel, Esq.*
P.O. Box 3014
Pine Ridge, SD 57770
(e-mail: arm.legal@gmail.com)

Bruce Ellison, Esq.*
Law Offices of Bruce Ellison
P. O. Box 2508
Rapid City, SD 57709
(e-mail: belli4law@aol.com)

Western Nebraska Resources Council*
Attn: Buffalo Bruce
P.O. Box 612
Chadron, NE 69337
(e-mail: buffalobruce@panhandle.net)

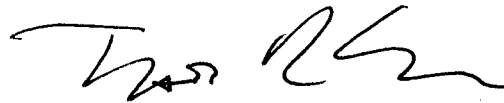
Elizabeth Maria Lorina*
Mario Gonzalez
Law Offices of Mario Gonzalez
522 7th Street, Suite 202
Rapid City, SD 57701
(e-mail: elorina@gnzlawfirm.com)

Mark D. McGuire, Esq.*
McGuire and Norby
605 South 14th Street, Suite 100
Lincoln, NE 68508
(e-mail: mdmsjn@alltel.net)

Debra White Plume*
P.O. Box 71
Manderson, SD 57756
(e-mail: LAKOTA1@gwtc.net)

Johanna Thibault, Law Clerk*
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: JRT3@nrc.gov)

Owe Aku, Bring Back the Way*
Attn: Debra White Plume
P.O. Box 325
Manderson, SD 57756
(e-mail: LAKOTA1@gwtc.net)



Tyson R. Smith
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

COUNSEL FOR CROW BUTTE
RESOURCES, INC.