

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

DOCKETED 08/14/08

CROW BUTTE RESOURCES, INC.

SERVED 08/14/08

Docket No. 40-8943

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

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

CROW BUTTE RESOURCES, INC.
(In Situ Leach Uranium Recovery Facility)

This proceeding involves a license amendment application from Crow Butte Resources, Inc. seeking a ten-year renewal of its Source Materials License for the in situ leach uranium recovery facility located in Crawford, Nebraska. In response to a May 27, 2008 Notice of Opportunity for Hearing (73 Fed. Reg. 30,426), petitions to intervene and requests for hearing have been submitted by (1) Elizabeth Lorina and Mario Gonzales representing the Oglala Sioux Tribe, (2) Shane Robinson and David Frankel representing multiple individuals and multiple organizations, and (3) Thomas J. Ballanco representing the Oglala Delegation of the Great Sioux Nation Treaty Council.

The Board is comprised of the following administrative judges:

Michael M. Gibson, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Richard F. Cole
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Brian K. Hajek
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Additionally, during the contention admissibility phase of this proceeding, Administrative Judge Alan S. Rosenthal shall function as the Board's Special Assistant.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 Fed. Reg. 49,139).

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,
this 14th day of August 2008.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD have been served upon the following persons by Electronic Information Exchange.

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

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

Administrative Judge
Michael M. Gibson, Chairman
E-mail: mmg3@nrc.gov

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

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

Administrative Judge
Dr. Richard F. Cole
E-mail: rfc1@nrc.gov

Administrative Judge
Dr. Brian K. Hajek
E-mail: hajek.1@osu.edu

DOCKET NO. 40-8943-LA
(ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD)

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

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Edward Williamson, Esq.
E-mail: elw2@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

McGuire and Norby
605 South 14th Street, Suite 100
Lincoln, Nebraska 68508
Mark D. McGuire, Esq.
Counsel for Crow Butte Resources, Inc.
E-mail: mdmsjn@alltel.net

Western Nebraska Resources Council,
Chief Joseph American Horse, Thomas K. Cook,
and Francis E. Anders
Shane C. Robinson, Esq.
2814 E. Olive St.
Seattle, WA 98122
E-mail: shanecrobinson@gmail.com

Winston & Strawn, LLP
1700 K Street, N.W.
Washington, DC 20006-3817
Tyson R. Smith, Esq.
Counsel for Crow Butte Resources, Inc.
E-mail: trsmith@winston.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: davidcoryfrankel@gmail.com

Owe Oku, Debra White Plume,
and David House
P.O. Box 2508
Rapid City, South Dakota 57709
Bruce Ellison, Esq.
E-mail: belli4law@aol.com

Thomas K. Cook
1705 So. Maple Street
Chadron, NE 69337
E-mail: slmbttsag@bbc.net

DOCKET NO. 40-8943-LA
(ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD)

Oglala Sioux Tribe
Elizabeth Lornia, Esq.
Mario Gonzalez, Esq.
522 7th Street, Suite 202
Rapid City, SD 57701
E-mail: elorina@gnzlawfirm.com
gnzlaw@aol.com

The Oglala Delegation of the Great Sioux Nation
Treaty Council
Thomas J. Ballanco, Esq.
Harmonic Engineering, Inc.
945 Taraval Ave. # 186
San Francisco, CA 94116
E-mail: HarmonicEngineering1@mac.com

[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 14th day of August 2008